

**VERBATIM
TRANSCRIPT
ATTACHED
AFTER
MEETING
MINUTES**

Agenda

City of Las Vegas

PLANNING COMMISSION MEETING

April 8, 1999

Council Chambers

400 Stewart Avenue

Phone 229-6301

TDD 386-9108

<http://www.ci.las-vegas.nv.us>

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COMMISSIONERS

MICHAEL BUCKLEY, CHAIRMAN

CRAIG GALATI, VICE CHAIRMAN

HANK GORDON

MICHAEL MAGK

MARILYN MORAN

STEPHEN QUINN-

LENI SKAAR

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE

COMMISSIONERS BRIEFING: 5:15 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

It is the intent of the Planning Commission to be briefed by staff and that all items on the agenda shall be available for open discussion during the briefing session. Applicants and other interested parties may be asked for information or presentations by the Planning Commission. Applicants may not participate in the discussion unless at the specific request of the Commission. All interested parties are invited to attend.

CALL TO ORDER: 6:00 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ROLL CALL:

ANNOUNCEMENT: Satisfaction of Open Meeting Law Requirements

NOTICE: This meeting has been properly noticed and posted at the following locations:

Clark County Government Center, 500 South Grand Central Parkway
Senior Citizen Center, 450 East Bonanza Road
Clark County Courthouse, 200 East Carson Avenue
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

MINUTES: Approval of the minutes of the February 11, 1999 Planning Commission Meeting

ACTIONS: ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

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A. CONSENT ITEMS:

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.

- A-1. TM-10-99 - TULE SPRINGS RANCH - WL HOMES, LIMITED LIABILITY COMPANY - Request for a Tentative Map on property locate on the northeast corner of Durango Drive and Racel Street, R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Size: 84.96 Acres, No. of Lots: 297, Ward 4 (Brown).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

- A-2. TM-11-99 - CIMARRON ROAD AND FARM ROAD COMMERCIAL CENTER - SPECTRUM COMMERCIAL LIMITED - Request for a Tentative Map for a commercial subdivision on property located on the southwest corner of Cimarron Road and Farm Road, R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Size: 4.65 Acres, No of Lots: 1, Ward 4 (Brown).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

- A-3. FM-18-99 - CHEYENNE/HUALAPAI UNIT 7 - PERMA BILT HOMES - Request for a Final Map on property located at the southwest corner of Gowan Road and Hualapai Way, PD (Planned Development) Zone, Size: 11.64 Acres, No of Lots: 48, Ward 4 (Brown).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

- A-4. FM-19-99 - BELVEDERE UNIT 2 - PRESLEY HOMES - Request for a Final Map on property located west of Town Center Drive, approximately 530 feet south of Anasazi Drive FOR A PROPOSED 32 LOT SINGLE FAMILY SUBDIVISION, P-C (Planned Community) Zone, Size: 6.03 Acres, Ward 2 (Adamsen).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

- A-5. FM-20-99 - APPALOOSA CANYON - UNIT 2 - STERLING S DEVELOPMENT, INC. - Request for a Final Map on property located north of Farm Road and 1,300 feet west of Cimarron Road, U (Undeveloped) Zone [PCD (Planned Community Development and L (Low Density Residential) General Plan Designations] under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), Size: 9.92 Acres, No. of Lots: 38, Ward 4 (Brown).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

- A-6. FM-21-99 - APPALOOSA CANYON - UNIT 2A - STERLING S DEVELOPMENT, INC. - Request for a Final Map on property located north of Farm Road, approximately 1,300 feet west of Cimarron Road, U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre) Zone, No. of Lots: 43, Size: 7.90 Acres, Ward 4 (Brown).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

- A-7. A-16-99(A) - CITY OF LAS VEGAS - Petition to Annex property generally located on the east side of U.S. Highway 95 and the west side of Hualapai Way, containing approximately 8.00 acres of land, Ward 4 (Brown), APN: 126-01-502-005.

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NOT A PUBLIC HEARING

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

- A-8. A-17-99(A) - CITY OF LAS VEGAS - Petition to Annex properties generally located on the northwest corner of Torrey Pines Drive and Horse Drive; and on the southwest corner of Torrey Pines Drive and Iron Mountain Road, containing approximately 176.00 acres of land, Ward 4 (Brown), APNs: 125-11-201-001 and 125-11-101-001.

NOT A PUBLIC HEARING

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

- A-9. A-19-99(A) - CITY OF LAS VEGAS - Petition to Annex property generally located on the northwest corner of Hualapai Way and Grand Teton Road, containing approximately 667 acres of land, Ward 4 (Brown), APN: 126-12-000-001.

NOT A PUBLIC HEARING

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

- A-10. A-20-99(A) - CITY OF LAS VEGAS - Petition to Annex property generally located between Fox Forest Avenue and Alexander Road, approximately 660 feet west of Fort Apache Road, containing approximately 5.00 acres of land, Ward 4 (Brown), APN: 138-07-501-006.

NOT A PUBLIC HEARING

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

B. NON PUBLIC HEARING ITEMS:

- B-1. Z-97-89(9) - CRAIG KEOUGH ON BEHALF OF STAR NURSERY - Request for a Review of Condition on an approved Site Development Plan Review on property located on the northeast corner of Charleston Boulevard and Cimarron Road to change Condition No. 1 TO ALLOW AN 8 FOOT HIGH DECORATIVE BLOCK WALL IN PLACE OF THE REQUIRED COMBINATION CONCRETE WROUGHT IRON WALL ALONG CIMARRON ROAD, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Adamsen), APN: 138-33-401-026.

NOT A PUBLIC HEARING

C.C.: 5/10/99

C. PUBLIC HEARING ITEMS:

- C-1. ABEYANCE - RENOTIFICATION - U-103-98 - HOWARD HUGHES PROPERTIES, INC. ON BEHALF OF TERRIBLE HERBST OIL COMPANY - Request to Reconsider a Special Use Permit on property located on the northeast corner of Spring Gate Lane and Trailwood Drive FOR THE OFF-PREMISE SALE OF BEER AND WINE, GASOLINE SALES AND AN AUTOMATED CAR WASH IN CONJUNCTION WITH A PROPOSED 2,371 SQUARE FOOT CONVENIENCE STORE, PC (Planned Community) Zone, Ward 2 (Adamsen), APN: 138-19-418-001.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-2. ABEYANCE - U-14-99 - JERRY AND MARIANNA HERBST ON BEHALF OF TERRIBLE HERBST OIL COMPANY [RELATED TO ITEM C-3, U-20-99] - Request for a Special Use Permit on property located at 3650 West Sahara Avenue FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE AND CAR WASH, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-05-402-002.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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- C-3. ABEYANCE - U-20-99 - JERRY AND MARIANNA HERBST ON BEHALF OF TERRIBLE HERBST OIL COMPANY [RELATED TO ITEM C-2, U-14-99] - Request for a Special Use Permit and a Site Development Plan Review on property located at 3650 West Sahara Avenue FOR A SERVICE STATION, A FULL SERVICE CAR WASH AND A MINOR AUTOMOTIVE REPAIR FACILITY (AUTO LUBE) IN CONJUNCTION WITH A PROPOSED 8,100 SQUARE FOOT CONVENIENCE STORE, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-05-402-002.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-4. ABEYANCE - RENOTIFICATION - Z-7-99 - THE R. PARAMAHAMSA TRUST [RELATED TO ITEMS C-5, U-16-99 AND C-6, U-17-99] - Request for a Rezoning on property located on the southwest corner of Lone Mountain Road and Torrey Pines Drive, From: R-E (Residence Estates) Zone To: C-1 (Limited Commercial) Zone, PROPOSED USE: FUTURE COMMERCIAL, Size: approximately 11.60 Acres, Ward 4 (Brown), APNs: 138-02-102-002 and a portion of 003.

PUBLIC HEARING C.C.: 5/10/99

- C-5. ABEYANCE - U-16-99 - THE R. PARAMAHAMSA TRUST [RELATED TO ITEMS C-4, Z-7-99 AND C-6, U-17-99] - Request for a Special Use Permit on property located on the southwest corner of Lone Mountain Road and Torrey Pines Drive FOR 91 ASSISTED LIVING APARTMENTS IN CONJUNCTION WITH A PROPOSED 37,879 SQUARE FOOT ASSISTED CARE FACILITY, R-E (Residence Estates) and C-2 (General Commercial) Zones, pending Zone change to: C-1 (Limited Commercial) Zone, Ward 4 (Brown), APNs: 138-02-102-002 and 003.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-6. ABEYANCE - U-17-99 - THE R. PARAMAHAMSA TRUST [RELATED TO ITEMS C-4, Z-7-99 AND C-5, U-16-99] - Request for a Special Use Permit on property located on the southwest corner of Lone Mountain Road and Torrey Pines Drive FOR A MINOR AUTOMOTIVE REPAIR CENTER IN CONJUNCTION WITH A PROPOSED 21,825 SQUARE FOOT AUTO PARTS STORE, R-E (Residence Estates) and C-2 (General Commercial) Zones, pending Zone change to: C-1 (Limited Commercial), Ward 4 (Brown), APNs: 138-02-102-002 and 003.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-7. ABEYANCE - U-24-99 - KATHY L. LIGHTFOOT ON BEHALF OF JAMAL JEBERAEEEL - Request for a Special Use Permit on property located at 1600 North Jones Boulevard FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE, C-1 (Limited Commercial) Zone, Ward 4 (Brown), APN: 138-24-401-002.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-8. VAC-7-99 - BANK OF NEVADA - Petition to vacate excess public rights-of-way and a twenty foot (20') wide public sewer easement generally located west of Tonopah Drive between Charleston Boulevard and Rancho Lane, Ward 1 (McDonald).

PUBLIC HEARING SET DATE: 4/26/99 C.C.: 5/10/99

- C-9. VAC-9-99 - CLARK COUNTY - Petition to vacate a twenty-foot (20') wide public alley generally located north of Bonneville Avenue and south of Clark Avenue, and a twenty-foot (20') wide public alley generally located north of Clark Avenue and south of Lewis Avenue, both properties being between Casino Center Boulevard and Third Street, Ward 1 (McDonald).

PUBLIC HEARING SET DATE: 4/26/99 C.C.: 5/10/99

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- C-10. VAC-10-99 - SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Petition to vacate U. S. Government Patent Reservations generally located south of Grand Teton Drive and east of Durango Drive, Ward 4 (Brown).

PUBLIC HEARING

SET DATE: 4/26/99

C.C.: 5/10/99

- C-11. U-31-99 - ALBERT MASSI ON BEHALF OF SECOND SPIN, INC. - Request for a Special Use Permit on property located at 2300 North Rainbow Boulevard TO ALLOW A SECONDHAND DEALER OF USED COMPACT DISCS, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 4 (Brown), APN: 138-23-110-041.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-12. U-32-99 - DEL WEBB COMMUNITIES, INC. - Request for a Special Use Permit on property located at the southeast corner of Lake Mead Boulevard and the Western Beltway TO ALLOW A 75 FOOT HIGH CELLULAR MONOPOLE TOWER WITH ANCILLARY ELECTRICAL EQUIPMENT BOXES, P-C (Planned Community) Zone, Ward 2 (Adamsen), APN: 137-14-897-005.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-13. U-33-99 - SAXTON, INC. ON BEHALF OF ASAM YOUSIF - Request for a Special Use Permit on property located at 3600 Vegas Drive FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE; AND FOR A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A CHILD CARE FACILITY, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 139-20-410-003.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-14. U-34-99 - MICHAEL AND NANCY CORRIGAN FAMILY TRUST ON BEHALF OF DISCOUNT TIRE COMPANY - Request for a Special Use Permit and Site Development Plan Review on property located on the south side of Lake Mead Boulevard, approximately 800 feet west of Tenaya Way, FOR A PROPOSED 7,649 SQUARE FOOT MINOR AUTOMOTIVE REPAIR FACILITY (DISCOUNT TIRE), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Size: 0.74 Acres, Ward 2 (Adamsen), APN: 138-22-302-009.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-15. U-35-99 - GOVERNOR JOHNSON TRUST ON BEHALF OF GORIAL YOUSIF - Request for a Special Use Permit on property located at 2027 H Street FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A EXISTING GROCERY STORE; AND FOR A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A PARK, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 139-21-610-258.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-16. U-36-99 - MER-CAR CORPORATION - Request for a Special Use Permit on property located at 1401 East Charleston Boulevard FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONVENIENCE STORE; AND FOR A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A CHURCH, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 139-35-401-002.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

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- C-17. U-37-99 - CHARLESTON HEIGHTS SHOPPING CENTER ON BEHALF OF AUTO AID, LIMITED LIABILITY COMPANY - Request for a Special Use Permit on property located at 4905 West Alta Drive FOR USED CAR SALES, C-2 (General Commercial) Zone, Ward 1 (McDonald), APN: 138-36-701-002.

PUBLIC HEARING - IF APPROVED: C.C.: 5/10/99 - IF DENIED: P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

- C-18. SD-8-99 - LARRY LAPENTA - Request for a Site Development Plan Review on property located at 3369 Thom Boulevard FOR A PROPOSED 5,682 SQUARE FOOT ADDITION TO AN EXISTING 2,583 SQUARE FOOT BUILDING, C-2 (General Commercial) Zone, Size: 2.71 Acres, Ward 4 (Brown), APN: 138-12-810-010.

PUBLIC HEARING C.C.: 5/10/99

- C-19. Z-17-99 - ROBERT COHEN ON BEHALF OF AMSTAR HOMES - Request for a Rezoning on property located east of Durango Drive, approximately 660 feet south of Grand Teton Drive, From: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation], To: R-PD4 (Residential Planned Development - 4 Units Per Acre), FOR A 187 LOT SINGLE FAMILY SUBDIVISION, Size: 41.86 Acres, Ward 4 (Brown), APNs: 125-16-102-001 and 002; 125-16-103-001 and 002.

PUBLIC HEARING C.C.: 5/10/99

- C-20. Z-19-99 - THUNDERBIRD HOTEL CORPORATION ON BEHALF OF MRA CORPORATION - Request for a Rezoning on property located at 1238 Las Vegas Boulevard South and on the southeast corner of Las Vegas Boulevard South and Park Paseo, From: C-1 (Limited Commercial) and C-2 (General Commercial) Zones, To: C-2 (General Commercial) Zone, PROPOSED USE: A TOURIST ORIENTED DEVELOPMENT, Size: 7.96 Acres, Ward 1 (McDonald) and Ward 3 (Reese), APNs: 162-03-112-012 and 022 through 030 and 033.

PUBLIC HEARING C.C.: 5/10/99

- C-21. TA-2-99 - Discussion and possible recommendation to amend Title 19A.040.010 Table 2 Use Tables to allow tattoo parlors by right in the C-M (Commercial/Industrial) and M (Industrial) Zoning Districts; and to require the approval of a Special Use Permit for a tattoo parlor proposed to be located in a C-2 (General Commercial) Zoning District; and to Amend Title 19A.20.020 to add a definition of tattoo parlor.

PUBLIC HEARING THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

D. DIRECTOR'S BUSINESS

- D-1. DB-3-99 - Discussion of procedures relating to special review areas.

E. CITIZENS PARTICIPATION:

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ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

PLANNING COMMISSION

MEETING OF
APRIL 8, 1999

City of Las Vegas

AGENDA & MINUTES

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
5:15 PM	
<u>COMMISSIONERS BRIEFING:</u>	
PRESENT:	Andrew Reed, Planning and Development Department, called the Briefing to order at 5:35 P.M.
Michael Buckley - Chairman Craig Galati - Vice Chairman (Arrived 5:39 PM) Hank Gordon Marilyn Moran (Arrived 5:39 PM) Leni Skaar	<u>Item No. C-1, U-103-99:</u> Mr. Reed began by saying this is a Terrible Herbst application in the Trailwood Shopping Center. The applicant requested this item be withdrawn without prejudice. The withdrawal request was included on the public hearing notice that was mailed to the surrounding property owners.
EXCUSED:	<u>Item Nos. C-2, U-14-99, and C-3, U-20-99:</u> Mr. Reed explained that this is the proposed redevelopment of the property at the northeast corner of Valley View Boulevard and Sahara Avenue. At the March 11 th meeting the Planning Commission held these items in abeyance to allow the applicant to meet with staff regarding the landscaping proposed for this site. The applicant has submitted revised plans which, with minor modifications, will enhance the appearance of the site. Staff is requiring the applicant to provide additional trees along Valley View Boulevard and in the east portion of the site.
STAFF PRESENT:	<u>Item Nos. C-4, Z-7-99, C-5, U-16-99, and C-6, U-17-99:</u> Mr. Reed said these items were held in abeyance from the March 11 th meeting to allow the applicant to meet with the surrounding property owners. As a result of that meeting, the applicant has requested withdrawal of the two Use Permits, but wants to proceed with the zone change. They have a conceptual site plan, and understand that if the zone change is approved, a detailed site plan will need to be reviewed by the Planning Commission.
Doug Powell - Planning & Development Dept. Tambri Heyden - Planning & Development Dept. Andrew Reed - Planning & Development Dept. Joel McCulloch - Planning & Development Dept. Cheri Edelman - Public Works Rick Schroder, Public Works Steve George - City Attorney's Office Linda Owens - City Clerk's Office	<u>Item No. C-7, U-24-99:</u> Mr. Reed stated this item was held in abeyance at the March 25 th meeting to allow the applicant to work out access issues with the condo development north and east of this site. The Homeowners Association has submitted an agreement that addresses these issues. Staff is still recommending denial of the application because approval will saturate the area with similar uses.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

COMMISSIONERS BRIEFING:

Item No. C-12, U-32-99:

Mr. Reed stated the applicant has requested this application be held in abeyance until the May 13th meeting because they want to meet with Clark County representatives regarding the location of this use in relation to the Beltway. At the request of the applicant the Board of Zoning Adjustment held in abeyance a request for a Certificate of Deviation until their May 4th meeting.

Item No. C-15, U-35-99:

Mr. Reed stated that on April 7th the applicant requested this item be held in abeyance until the May 13th meeting. The applicant is not prepared for this meeting. The West Las Vegas Neighborhood Executive Board has requested this application be denied.

Item No. C-18, SD-8-99:

Mr. Reed said that on Tuesday the Board of Zoning Adjustment approved a Variance to allow the expansion of this non-conforming use. Therefore, staff has changed its recommendation for the Site Development Plan Review to approval, and added a condition requiring the landscaping along the street frontage to be bermed.

Item No. C-20, Z-19-99:

Mr. Reed stated the City Centre Development Corporation reviews applications involving the downtown area. They have recommended approval of this application, but want the applicant to state two items on the record. The first is the total estimated value of this project, and second, whether the intent of the project is to include a gaming facility. The applicant will include in his presentation a videotape at the meeting. The applicant would like this item moved up on the agenda so it is the first public hearing. There have been 8 telephone protests and 1 telephone approval.

Doug Powell, Planning and Development Department, noted that this applicant will have to come back for a Site Development Plan Review. The CCDC wants to know more about this request such as its evaluation. Only part of the property needs a zone change.

Commissioner Gordon pointed out the issue is whether this parcel should be C-1 or C-2.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

COMMISSIONERS BRIEFING:

Commissioner Skaar wondered why staff is recommending approval since it is near single family development.

Mr. Powell responded that there is a main thoroughfare buffer and low density.

Chairman Buckley wondered about PD zoning for this parcel.

Mr. Genzer felt that is an alternative.

Mr. Reed adjourned the Briefing at 5:59 P.M.

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

6:00 PM

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

CALL TO ORDER:

6:02 P.M., Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

Michael Buckley -	Present
Chairman	
Craig Galati -	Present
Vice Chairman	
Hank Gordon	Present (Left 8:16 PM)
Michael Mack	Excused
Marilyn Moran	Present
Stephen Quinn	Excused
Leni Skaar	Present

ANNOUNCEMENT:

Satisfaction of Open Meeting Law Requirements.

This meeting has been properly noticed and posted at the following locations:

Clark County Government Center,
500 South Grand Central Parkway
Senior Citizens Center,
450 East Bonanza Road
Clark County Courthouse,
200 East Carson Avenue
Court Clerk's Office Bulletin Board,
City Hall Plaza
City Hall Plaza, Special Outside Posting
Bulletin Board

MINUTES:

Approval of the minutes of the March 11, 1999 Planning Commission Meeting.

CHAIRMAN BUCKLEY called the meeting to order at 6:02 P.M.

STAFF PRESENT:

Doug Powell, Deputy Director,
Planning and Development Department
Tambri Heyden, Current Planning Manager,
Planning and Development Department
Chris Knight, Comprehensive Planning Manager,
Planning and Development Department
Andrew Reed, Senior Planner,
Planning and Development Department
Joel McCulloch, Planner II,
Planning and Development Department
Jason Allswang, Planning Technician,
Planning and Development Department
Cheri Edelman, Project Engineer,
Public Works
Rick Schroder, Engineer,
Public Works
Steve George, Deputy City Attorney
Linda Owens, Deputy City Clerk

MR. REED announced this meeting is in compliance with the Open Meeting Law.

Galati -

APPROVED AS AMENDED (Page 88, St. James the Apostle)

Unanimous

(Mack and Quinn excused)

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

ACTIONS:

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDAED ITEM.

CHAIRMAN BUCKLEY indicated the subdivision items can be appealed by the applicant or aggrieved person or review requested by a member of the City Council.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
A.	CHAIRMAN BUCKLEY announced the Consent items may be enacted by one motion or discussed if a Commission Member or Applicant so desires.
CONSENT ITEMS:	
CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO DESIRES.	
A-1.	
<u>TM-10-99 - TULE SPRINGS RANCH - WL HOMES, LIMITED LIABILITY COMPANY</u> Request for a Tentative Map on property locate on the northeast corner of Durango Drive and Racel Street, R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Size: 84.96 Acres, No. of Lots: 297, Ward 4 (Brown). <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. Prior to the recordation of the Final Map, a Variance application shall be submitted for the proposed reduction in open space. If the Variance is not approved, the Tentative Map shall be revised to meet the open space requirements of Title 19A. All required open space shall be constructed with the first phase of development from each half of the project. 2. The Construction Mitigation Plan required by original Condition No. 2 of Z-86-98 shall be heard by the Planning Commission prior to recordation of any Final Map. 3. Provide public sewer easements for all public sewers not located within public right-of-way as required by the Department of Public Works. Provide a public sewer stub in the Brent Lane alignment at the northeast edge of this site, at a location acceptable to the City Planning Engineer.	Galati - APPROVED, SUBJECT TO STAFF'S CONDITIONS, WITH THE CONSTRUCTION MITIGATION PLAN TO BE APPROVED ADMINISTRATIVELY BY STAFF IN CONDITION NO. 2, AND FIRST FINAL MAP BE A PUBLIC HEARING ITEM. Motion carried with Gordon abstaining from voting because the law firm that represents this application is also the firm that handles the legal work for his business. (Mack and Quinn excused) COMMISSIONER MORAN asked if there was anyone in the audience that had additional information about this item because there was a problem with the title. LOUISE RUSKAMP, 8500 Log Cabin Way, appeared to speak on this item. This property was involved in a land swap with the State Park. She provided to staff a Real Estate Exchange Agreement that stipulates the exchange of the property was to be 76.34 acres. The Tentative Map shows 84.96 acres. She wanted to know the accurate acreage that the applicant intends to develop. Perhaps this item should be held in abeyance. ATTORNEY MARK FIORENTINO, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, 7th Floor, appeared and represented the applicant. He strongly objected to having this item held in abeyance because the financing will not allow a delay.

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ITEM

ACTION

TM-10-99 - TULE SPRINGS RANCH - WL
HOMES, LIMITED LIABILITY COMPANY

4. Site development to comply with all applicable Conditions of Approval for Z-86-98, Z-86-98(1), and all other site-related actions as required by the Department of Public Works.

5. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within twelve (12) months of the approval of the Tentative Map, a new Tentative Map must be filed.

6. Street names must be provided in accord with the City's Street Naming Regulations.

7. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Planning Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first.

8. All development is subject to the conditions of City departments and State Subdivision Statutes.

BOB GENZER, Planning and Development Department, commented that this afternoon staff received a transmittal from the applicant's engineering firm which provided a chain of ownership records for the property. However, staff has not had a chance to review that document other than to look through the policy of title insurance and feel assured W. L. Homes has an interest in this property. Attached to that policy is a copy of the Assessor's map for this property which indicates an acreage of 84.41 acres.

ATTORNEY MARK FIORENTINO explained the financing requires they have the Tentative Map approved by this date. He requested this map be approved, subject to complying with all applicable State and local subdivision laws. The State owned one large parcel, plus or minus 84 acres. The applicant entered into a transaction to make an exchange with the State of approximately 84 acres. The Tentative Map only includes homes and lots in the parcel retained by the applicant. The Assessor's Office has not divided the two parcels. The Assessor's Office had stated there needs to be a subdivision created before the 84 acres are transferred to the applicant. There is an exemption for public entities. None of the lots can be sold until they have approval of a Final Map. They are not mapping any lots in the portion left to the State. However, in the State's portion the applicant will be putting in roads, a drainage channel and open space.

LOUISE RUSKAMP asked how much acreage the applicant plans to develop.

ATTORNEY FIORENTINO responded that the applicant will be developing approximately 83 of the 84 acres.

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ITEM

ACTION

TM-10-99 - TULE SPRINGS RANCH - WL
HOMES, LIMITED LIABILITY COMPANY

COMMISSIONER SKAAR said she spoke to the Division of State Lands at the State office in Carson City. The way the agreement was written up was that the exchange was to be value for value. The piece that was to be part of the park would only have right-of-way that needed to be given along Durango. Whereas, the parcel that the developer was going to be receiving in exchange would need to have right-of-way taken on two sides of the parcel. In this part of the valley a section is larger than 360 acres, so it was difficult to determine the exact amount of acreage. The State Legislature has already approved the land swap and feel the portion given to the applicant is the correct amount.

VICE CHAIRMAN GALATI asked if the 297 lots are based on 84 acres.

ATTORNEY FIORENTINO answered that it is based on 84 acres. The strip that is left is Brent Lane.

CHAIRMAN BUCKLEY asked the status of the Construction Mitigation Plan that is being requested. Also, at what point are the pathways being put in around the property?

MR. GENZER answered that the applicant has submitted that Construction Mitigation Plan to staff, but it has not been reviewed. However, in lieu of all the projects in this area the Planning Commission could allow that Plan to be approved administratively by staff prior to the recordation of a Final Map. The required open space should be constructed with the first phase of the development of each half of the project as indicated in Condition No. 1.

LOUISE RUSKAMP requested that if there are any changes to the Tentative Map that it come back before the Planning Commission under the Public Hearings portion of the agenda.

ATTORNEY FIORENTINO suggested that the Final Map be considered at a Public Hearing.

VICE CHAIRMAN GALATI made a motion for approval, subject to staff's conditions, with the Construction Mitigation Plan being approved administratively by staff in Condition No. 2, and the first Final Map being a Public Hearing item.

This is final action.
(6:22 - 6:37) 1 - 585

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ITEM

ACTION

A-2.

TM-11-99 - CIMARRON ROAD AND FARM
ROAD COMMERCIAL CENTER - SPECTRUM
COMMERCIAL LIMITED

Request for a Tentative Map for a commercial subdivision on property located on the southwest corner of Cimarron Road and Farm Road, R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Size: 4.65 Acres, No of Lots: 1, Ward 4 (Brown).

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. Provide proof of appropriate ingress/egress easements for the proposed driveways across the common area adjacent to this site as required by the Department of Public Works.
2. Grant a traffic signal chord easement located behind the 25 foot radius on the southwest corner of Cimarron Road and Farm Road as required by the Department of Public Works.
3. Construct half-street improvements on Farm Road adjacent to this site and construct all incomplete half-street improvements on Cimarron Road adjacent to this site concurrent with development of this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Construction of required improvements on Farm Road shall commence within one year of approval of this Tentative Map; failure to comply with this requirement shall result in this item being reconsidered by the City Council.

Galati -

**APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO
STAFF'S CONDITIONS.**

**Unanimous
(Mack and Quinn excused)**

CHAIRMAN BUCKLEY stated this is a Consent item.

This is final action.

(6:21-6:22) 1 - 560

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

TM-11-99 - CIMARRON ROAD AND FARM
ROAD COMMERCIAL CENTER - SPECTRUM
COMMERCIAL LIMITED

APPROVED

4. Meet with the Traffic Engineer for assistance in redesigning the proposed driveway layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

5. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of a Final Map for this site, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved Drainage Plan/Study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

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ITEM

ACTION

TM-11-99 - CIMARRON ROAD AND FARM
ROAD COMMERCIAL CENTER - SPECTRUM
COMMERCIAL LIMITED

APPROVED

6. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Planning Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first.

7. Site development to comply with all applicable Conditions of Approval for Z-75-90 and all other site-related actions as required by the Department of Public Works.

8. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within twelve (12) months of the approval of the Tentative Map, a new Tentative Map must be filed.

9. All development is subject to the conditions of City departments and State Subdivision Statutes.

10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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ITEM

ACTION

A-3.

FM-18-99 - CHEYENNE/HUALAPAI UNIT 7 -
PERMA BILT HOMES

Request for a Final Map on property located at the southwest corner of Gowan Road and Hualapai Way, PD (Planned Development) Zone, Size: 11.64 Acres, No of Lots: 48, Ward 4 (Brown).

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. The Final Map for Cheyenne/Hualapai - Unit 4B must record prior to the recordation of this Final Map to provide legal access as required by the Department of Public Works.
2. The submitted Drainage Plan and Technical Drainage Study must be accepted by the Department of Public Works prior to the recordation of this Final Map.
3. Site development to comply with all previous Conditions of Approval for the Cheyenne/Hualapai Unit 7 Tentative Map.
4. Prior to recordation, this Final Map must show all required easements and right-of-way dedications, must coincide with the approved Drainage Plan/Study and construction plans, and the Owner's Certificate must make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer. Also, as necessary, all easements relating to the placement of or access to Traffic Control devices located outside of public right-of-way shall be shown on this Final Map prior to recordation.

Galati -

APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack and Quinn excused)

CHAIRMAN BUCKLEY stated this is a Consent item.

This is final action.

(6:21-6:22) 1 - 560

20891

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ITEM	ACTION
A-4. <u>FM-19-99 - BELVEDERE UNIT 2 - PRESLEY HOMES</u> Request for a Final Map on property located west of Town Center Drive, approximately 530 feet south of Anasazi Drive FOR A PROPOSED 32 LOT SINGLE FAMILY SUBDIVISION, P-C (Planned Community) Zone, Size: 6.03 Acres, Ward 2 (Adamsen). <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. The Final Map for Belvedere Unit #1 shall record prior to the recordation of this Final Map as required by the Department of Public Works. 2. The submitted Drainage Plan and Technical Drainage Study must be approved by the Department of Public Works prior to the recordation of this Final Map. Provide and improve all drainageways as recommended in the approved Drainage Plan/Study. 3. Site development to comply with all previous Conditions of Approval for the Belvedere - Unit One Tentative Map. 4. Prior to recordation, this Final Map must show all required easements and right-of-way dedications, must coincide with the approved Drainage Plan/Study and construction plans, and the Owner's Certificate must make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer.	Galati - APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS. Unanimous (Mack and Quinn excused) CHAIRMAN BUCKLEY stated this is a Consent item. This is final action. (6:21-6:22) 1 - 560

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ITEM	ACTION
A-5. <u>FM-20-99 - APPALOOSA CANYON - UNIT 2 - STERLING S DEVELOPMENT, INC.</u> Request for a Final Map on property located north of Farm Road, approximately 1,300 feet west of Cimarron Road, U (Undeveloped) Zone [PCD (Planned Community Development and L (Low Density Residential) General Plan Designations] under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre), Size: 9.92 Acres, No. of Lots: 38, Ward 4 (Brown). <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. Vacation Application VAC-20-98 shall record prior to the recordation of this Final Map as required by the Department of Public Works. 2. Previous Final Maps for Appaloosa Canyon shall record prior to the recordation of this Final Map to provide legal access to this site as required by the Department of Public Works. 3. Coordinate the public sewer path servicing lots 33 and 34 with the City Planning Engineer and provide all on-site and off-site public sewer easements to conform with this public sewer path prior to recordation of this Final Map as required by the Department of Public Works. 4. The submitted Drainage Plan and Technical Drainage Study must be approved by the Department of Public Works prior to the recordation of this Final Map. 5. Site development to comply with all previous Conditions of Approval for the Appaloosa Canyon Tentative Map.	Galati - APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS. Unanimous (Mack and Quinn excused) CHAIRMAN BUCKLEY stated this is a Consent item. This is final action. (6:21-6:22) 1 - 560

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ITEM

ACTION

FM-20-99 - APPALOOSA CANYON - UNIT 2 -
STERLING S DEVELOPMENT, INC.

APPROVED

6. Prior to recordation, this Final Map must show all required easements and right-of-way dedications, must coincide with the approved Drainage Plan/Study and construction plans, and the Owner's Certificate must make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer. Also, as necessary, all easements relating to the placement of or access to Traffic Control devices located outside of public right-of-way shall be shown on this Final Map prior to recordation.

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ITEM

ACTION

A-6.

FM-21-99 - APPALOOSA CANYON - UNIT 2A
- STERLING S DEVELOPMENT, INC.

Request for a Final Map on property located north of Farm Road, approximately 1,300 feet west of Cimarron Road, U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD4 (Residential Planned Development - 4 Units Per Acre) Zone, No. of Lots: 43, Size: 7.90 Acres, Ward 4 (Brown).

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. Vacation Application VAC-20-98 shall record prior to the recordation of this Final Map as required by the Department of Public Works.
2. Previous Final Maps for Appaloosa Canyon shall record prior to the recordation of this Final Map to provide legal access to this site as required by the Department of Public Works.
3. Coordinate the public sewer path servicing lots 116 and 117 with the City Planning Engineer and provide all on-site and off-site public sewer easements to conform with this public sewer path prior to recordation of this Final Map as required by the Department of Public Works.
4. The submitted Drainage Plan and Technical Drainage Study must be approved by the Department of Public Works prior to the recordation of this Final Map.

Galati -

APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack and Quinn excused)

CHAIRMAN BUCKLEY stated this is a Consent item.

This is final action.

(6:21-6:22) 1 - 560

20893

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ITEM

ACTION

FM-21-99 - APPALOOSA CANYON - UNIT 2A
- STERLING S DEVELOPMENT, INC.

APPROVED

5. Site development to comply with all previous Conditions of Approval for the Appaloosa Canyon Tentative Map.

6. Prior to recordation, this Final Map must show all required easements and right-of-way dedications, must coincide with the approved Drainage Plan/Study and construction plans, and the Owner's Certificate must make specific reference to all easements and right-of-ways noted/offered for public use as required by the Department of Public Works. Appropriate sight visibility restriction easements, if applicable, are also required to be shown on this Final Map at all interior intersections, at all perimeter intersections abutting this subdivision site, at all intersections where an interior subdivision street connects with an abutting public street and at all other locations as required by the Traffic Engineer. Also, as necessary, all easements relating to the placement of or access to Traffic Control devices located outside of public right-of-way shall be shown on this Final Map prior to recordation.

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ITEM

ACTION

A-7.

A-16-99(A) - CITY OF LAS VEGAS

Petition to Annex property generally located on the east side of U.S. Highway 95 and the west side of Hualapai Way, containing approximately 8.00 acres of land, Ward 4 (Brown), APN: 126-01-502-005.

STAFF RECOMMENDATION: APPROVAL.

Galati -

APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack and Quinn excused)

CHAIRMAN BUCKLEY stated this is a Consent item.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

(6:21-6:22) 1 - 560

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[illegible]

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ITEM

ACTION

A-9.

A-19-99(A) - CITY OF LAS VEGAS

Petition to Annex property generally located on the northwest corner of Hualapai Way and Grand Teton Road, containing approximately 667 acres of land, Ward 4 (Brown), APN: 126-12-000-001.

STAFF RECOMMENDATION: APPROVAL.

Galati -

APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack and Quinn excused)

CHAIRMAN BUCKLEY stated this is a Consent item.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

(6:21-6:22) 1 - 560

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ITEM

ACTION

A-10.

A-20-99(A) - CITY OF LAS VEGAS

Petition to Annex property generally located between Fox Forest Avenue and Alexander Road, approximately 660 feet west of Fort Apache Road, containing approximately 5.00 acres of land, Ward 4 (Brown), APN: 138-07-501-006.

STAFF RECOMMENDATION: APPROVAL.

Galati -

APPROVED ITEM NOS. A-2 THROUGH A-10, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack and Quinn excused)

CHAIRMAN BUCKLEY stated this is a Consent item.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE)

(6:21-6:22) 1 - 560

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ITEM

ACTION

B.

NON PUBLIC HEARING ITEMS:

B-1.

Z-97-89(9) - CRAIG KEOUGH ON BEHALF OF STAR NURSERY

Request for a Review of Condition on an approved Site Development Plan Review on property located on the northeast corner of Charleston Boulevard and Cimarron Road to change Condition No. 1 TO ALLOW AN 8 FOOT HIGH DECORATIVE BLOCK WALL IN PLACE OF THE REQUIRED COMBINATION CONCRETE WROUGHT IRON WALL ALONG CIMARRON ROAD, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Adamsen), APN: 138-33-401-026.

STAFF RECOMMENDATION: APPROVAL, subject to:

1. Submittal to and approval by the Planning and Development Department staff of elevations depicting the new wall prior to construction.
2. This approval applies only to the landscaping and wall issues as requested by the applicant. The remainder of the site must conform to the Conditions of Approval for Z-97-89(8).
3. Conformance to the submitted site and landscape plans for this Review of Condition regarding the wall and landscaping along Cimarron Road.

Galati -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Mack and Quinn excused)

JOEL McCULLOCH, Planning and Development Department, stated on October 8, 1998 the Planning Commission approved a Site Development Plan Review for a 14,510 square foot plant nursery {Z-97-89(8)}. Condition No. 1 of the approval for the plant nursery required a combination concrete and wrought iron wall along Cimarron Road. The applicant proposes an eight foot high decorative block wall set back ten feet from the street right-of-way line, with extensive landscaping outside the block wall. The applicant claims that excessive theft of his product occurs when an eight foot high wall is not provided as a deterrent. Staff has no objection to the construction of an eight foot high decorative block wall as long as 20 percent of the wall contrasts with the remaining 80 percent. Staff finds that the extensive landscaping provided outside the wall will create the same effect as the wrought iron and concrete wall previously approved. Staff recommended approval, subject to the conditions.

MARK GILL, 8285 Hickam Avenue, appeared and represented the application. He concurred with staff's conditions.

COMMISSIONER SKAAR asked if the short piece of wall at the back of the property was originally approved as an eight foot high solid block wall.

MR. GILL responded that the wall will be decorative split faced.

This is final action.

(6:37-6:40) 1 - 1120

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ITEM

ACTION

C.

PUBLIC HEARING ITEMS:

C-1.

ABEYANCE - RENOTIFICATION - U-103-98 -
HOWARD HUGHES PROPERTIES, INC. ON
BEHALF OF TERRIBLE HERBST OIL COMPANY

Request to Reconsider a Special Use Permit on property located on the northeast corner of Spring Gate Lane and Trailwood Drive FOR THE OFF-PREMISE SALE OF BEER AND WINE, GASOLINE SALES AND AN AUTOMATED CAR WASH IN CONJUNCTION WITH A PROPOSED 2,371 SQUARE FOOT CONVENIENCE STORE, PC (Planned Community) Zone, Ward 2 (Adamsen), APN: 138-19-418-001.

Moran -

WITHDRAWN

Motion carried with Buckley abstaining from voting because the applicant is a client of his law firm, Galati abstaining from voting because the applicant is a client of his architectural firm, and Gordon abstaining from voting. (Mack and Quinn excused)

ANDREW REED, Planning and Development Department, stated the applicant has requested this item be withdrawn without prejudice. That request was also included on a Public Hearing notice that was sent to the surrounding property owners.

COMMISSIONER MORAN declared the Public Hearing open.

There was no one present in opposition.

COMMISSIONER MORAN declared the Public Hearing closed.

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ITEM	ACTION
C-2. <u>ABEYANCE - U-14-99 - JERRY AND MARIANNA HERBST ON BEHALF OF TERRIBLE HERBST OIL COMPANY [RELATED TO ITEM C-3, U-20-99]</u> Request for a Special Use Permit on property located at 3650 West Sahara Avenue FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE AND CAR WASH, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-05-402-002. <u>NOTICES MAILED:</u> 150 (Mailed with U-20-99) (3/11/99 PC) <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 0 <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. Conformance to the Conditions of Approval of U-20-99. 2. The sale of individual containers of any size of beer, wine coolers, or screw cap wine is prohibited. 3. Approval of this request does not constitute approval of a liquor license. 4. Conformance to all applicable requirements of Title 6 of the Municipal Code. 5. All City Code requirements and design standards of all City departments must be satisfied.	Galati - APPROVED, SUBJECT TO STAFF'S CONDITIONS. Unanimous (Gordon, Mack and Quinn excused) ***** NOTE: There was a first motion by Moran for approval, subject to staff's conditions, with Condition No. 2 deleted. Motion did not carry with Buckley, Galati and Skaar voting "No" and Gordon, Mack and Quinn excused. ANDREW REED, Planning and Development Department, stated at the March 11 TH meeting, the Planning Commission held this item in abeyance so that the applicant could discuss the landscaping proposed for the site with staff. The applicant submitted a revised landscaping plan to staff, which, with minor revisions, it will substantially enhance the appearance of this site. Staff has revised its findings to require the applicant to work with staff to provide additional trees along the Valley View Boulevard frontage and in the east portion of the site. This site is currently developed with a Terrible Herbst car wash and convenience store. The applicant is proposing to demolish the existing structures and replace them with a new convenience store with full service car wash, gasoline sales and an auto lube facility. Access to the site is provided by two driveway cuts to Sahara Avenue and one cut to Valley View Boulevard. Landscaping is shown along Valley View and Sahara. The elevations show all the structures will have white stucco exteriors and red concrete tile roofs. The proposed uses are compatible with existing and surrounding land uses. This site is suited for the type of land use being proposed.

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ABEYANCE - U-14-99 - JERRY AND
MARIANNA HERBST ON BEHALF OF
TERRIBLE HERBST OIL COMPANY [RELATED
TO ITEM C-3, U-20-99]

The site plan does not comply with the landscape requirements of the City of Las Vegas Urban Design Guidelines and Standards. However, the landscape plan submitted by the applicant will, with minor revisions, substantially enhance the appearance of the site.

Staff recommended approval, subject to the conditions.

GENERAL COUNSEL SEAN HIGGINS, Terrible Herbst, appeared to state he objected to Condition No. 2. The majority of the customers will be in cars and this is located at two major arterials.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

GENERAL COUNSEL HIGGINS said no existing structure will remain.

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(8:16-8:28) 1 - 1490

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ITEM

ACTION

C-3.

ABEYANCE - U-20-99 - JERRY AND MARIANNA HERBST ON BEHALF OF TERRIBLE HERBST OIL COMPANY [RELATED TO ITEM C-2, U-14-99]

Request for a Special Use Permit and a Site Development Plan Review on property located at 3650 West Sahara Avenue FOR A SERVICE STATION, A FULL SERVICE CAR WASH AND A MINOR AUTOMOTIVE REPAIR FACILITY (AUTO LUBE) IN CONJUNCTION WITH A PROPOSED 8,100 SQUARE FOOT CONVENIENCE STORE, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-05-402-002.

NOTICES MAILED: 150 (Mailed with U-14-99) (3/11/99 PC)

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL, subject to:

1. The applicant shall work with staff on minor revisions to the new landscaping plan, to include additional trees in the planter along Valley View Boulevard spaced at 20 feet on center, and additional landscaping in the east portion of the site.

2. Dedicate an additional 29 feet of right-of-way for a total radius of 54 feet on the northeast corner of Sahara Avenue and Valley View Boulevard prior to the issuance of any permits as required by the Department of Public Works.

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.

Moran -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Gordon, Mack and Quinn excused)

ANDREW REED, Planning and Development Department, stated at the March 11TH meeting, the Planning Commission held this item in abeyance so that the applicant could discuss the landscaping proposed for the site with staff. The applicant submitted a revised landscaping plan to staff, which, with minor revisions, it will substantially enhance the appearance of this site. Staff has revised its findings to require the applicant to work with staff to provide additional trees along the Valley View Boulevard frontage and in the east portion of the site.

This site is currently developed with a Terrible Herbst car wash and convenience store. The applicant is proposing to demolish the existing structures and replace them with a new convenience store with full service car wash, gasoline sales and an auto lube facility. Access to the site is provided by two driveway cuts to Sahara Avenue and one cut to Valley View Boulevard. Landscaping is shown along Valley View and Sahara.

The elevations show all the structures will have white stucco exteriors and red concrete tile roofs.

The proposed uses are compatible with existing and surrounding land uses. This site is suited for the type of land use being proposed.

The site plan does not comply with the landscape requirements of the City of Las Vegas Urban Design Guidelines and Standards. However, the landscape plan submitted by the applicant will, with minor revisions, substantially enhance the appearance of the site.

Staff recommended approval, subject to the conditions.

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ABEYANCE - U-20-99 - JERRY AND MARIANNA HERBST ON BEHALF OF TERRIBLE HERBST OIL COMPANY [RELATED TO ITEM C-2, U-14-99]

4. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. The site plan shall be revised to allow vehicular access to and from all areas of the site without leaving the site to travel on public right-of-way (e.g. from the gasoline pumps to the car wash entry area). Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

5. Landscape and maintain all unimproved right-of-way on Sahara Avenue adjacent to this site as required by the Department of Public Works.

6. Submit an encroachment agreement for all landscaping and private improvements located within the Sahara Avenue right-of-way adjacent to this site prior to occupancy of this site as required by the Department of Public Works.

7. All development shall be in conformance with the site plan, as amended by the above conditions, and the building elevations.

8. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

GENERAL COUNSEL SEAN HIGGINS, Terrible Herbst, appeared and represented the application. In regard to Condition No. 1, the east portion of the site adjoins the shopping center. There is no place to put any landscaping.

MR. REED responded that staff just wants some additional landscaping around the car wash area.

MR. HIGGINS explained there are palms within the drying off area of the car wash. There are three drives off Sahara, but they will remove one of them. They are trying to upgrade a site to provide additional uses for the neighborhood. There is sufficient landscaping with a sprinkler system.

CHERI EDELMAN, Public Works, said staff is in approval of the revised site plan.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(8:16-8:28) 1 - 1490

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ACTION

ABEYANCE - U-20-99 - JERRY AND
MARIANNA HERBST ON BEHALF OF
TERRIBLE HERBST OIL COMPANY [RELATED
TO ITEM C-2, U-14-99]

APPROVED

9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).

11. All City Code requirements and design standards of all City departments must be satisfied.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

14. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

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ITEM

ACTION

C-4.

ABEYANCE - RENOTIFICATION - Z-7-99 -
THE R. PARAMAHAMSA TRUST [RELATED TO
ITEMS C-5, U-16-99 AND C-6, U-17-99]

Request for a Rezoning on property located on the southwest corner of Lone Mountain Road and Torrey Pines Drive, From: R-E (Residence Estates) Zone To: C-1 (Limited Commercial) Zone, PROPOSED USE: FUTURE COMMERCIAL, Size: approximately 11.60 Acres, Ward 4 (Brown), APNs: 138-02-102-002 and a portion of 003.

NOTICES MAILED: 641 (Renotification
4/8/99 PC)
339 (Mailed with U-16-
99 and U-17-99)
(3/11/99 PC)

APPROVALS: 2

PROTESTS: 4 (4/8/99 PC)
85 (3/11/99 PC)

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. A Resolution of Intent with a one year time limit.
2. This approval is for Rezoning to C-1 only.
3. A Site Development Plan Review Public Hearing before the Planning Commission and City Council will be required for the entire site or any portion thereof, when the desired uses are determined.

Galati -

APPROVED, SUBJECT TO STAFF'S CONDITIONS, WITH "OR THE RECORDATION OF A MAP DIVIDING THIS SITE" BE DELETED IN CONDITION NO. 8 AND THAT WORDING INCLUDED IN CONDITION NO. 9.

**Unanimous
(Gordon, Mack and Quinn excused)**

JOEL McCULLOCH, Planning and Development Department, stated the applicant held a meeting with the residents of the area. During that meeting the applicant and residents were able to agree in principal to several uses on the subject site, however, staff was unable to review the proposed site plan in time for this meeting. The applicant has indicated that a tentative site plan will be presented at this Planning Commission and then submitted to staff for a Public Hearing before the Planning Commission and City Council.

The Northwest Amendment to the General Plan designates this property as SC (Service Commercial). This request for rezoning to C-1 (Limited Commercial) is in conformance with the Land Use Plan Designation.

Uses allowed in the C-1 (Limited Commercial) zoning district include: Child care facility; financial institution; office; antique store; copy center; general retail; rental store without outside storage, restaurant, grocery store, and convenience store.

Staff is requesting that a Site Development Plan Review be conducted at a Public Hearing before the Planning Commission and City Council once any portion or all of this sites uses have been determined and a suitable plan is submitted for City review.

Staff recommended approval, subject to the conditions.

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ABEYANCE - RENOTIFICATION - Z-7-99 -
THE R. PARAMAHAMSA TRUST [RELATED TO
ITEMS C-5, U-16-99 AND C-6, U-17-99]

4. Dedicate 40 feet of right-of-way adjacent to this site for Torrey Pines Drive where such does not exist prior to the issuance of any building or grading permits as required by the Department of Public Works. Additional rights-of-way shall be dedicated as determined in the approved Traffic Impact Analysis.

5. Construct all incomplete half-street improvements on Lone Mountain Road and Torrey Pines Drive adjacent to this site concurrent with development of this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Also, if legally able, construct a minimum of two lanes of temporary paving on Torrey Pines Drive, west of the centerline, from the south edge of this site southward to tie into existing improvements. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Construction of all required improvements on Torrey Pines Drive and Lone Mountain Road adjacent to this site shall commence within one year of approval of this rezoning action. Failure to comply with this requirement shall result in this item being reconsidered by the City Council.

6. Extend public sanitary sewer in the Torrey Pines Drive alignment to the north edge of this site, to a location acceptable to the City Planning Engineer, concurrent with development of this site as required by the Department of Public Works. That portion of this development fronting on Torrey Pines Drive shall connect to this public sewer.

JIM VELTMAN, Veltman Consulting, 2801 North Tenaya Way, appeared and represented the applicant. They met with the residents and formed a design group of approximately ten residents of the neighborhood to work with his office on revising the plan. They had one major meeting and then modified the plan. All the Special Use Permits were removed and went back to C-1 zoning. It was agreed to put a 25 foot landscape buffer between the residential, change the assisted care to a mini storage facility, reduce the entrance/exit requirements on Torrey Pines, and go back to a more normal retail establishment. In order to do that in such a short time frame, it was agreed to have a Resolution of Intent so that some of the details can be worked out in the next months. This site is two pieces at the present time. The mini warehouse storage area is on one site and the commercial C-1 area on another site. If there would be a service station, the corner would be landscaped. The drives would be pulled back and the number of curb cuts reduced.

CHAIRMAN BUCKLEY declared the Public Hearing open.

MIKE LORENZO, Gentle Pines Way, appeared in favor. The overall plans look good. He was concerned that this plan may be changed without knowledge of the neighbors.

BOB GENZER, Planning and Development Department, explained that Condition No. 3 requires the applicant to come back when the uses are determined.

GEORGE ANAS, 4700 North Torrey Pines Drive, appeared in favor. His house will face the storage area. He was concerned about the height of the mini-storage facility.

DAVID CRANE, 6313 Chimney Wood Avenue, appeared in protest. His main problem with this project is increased traffic. This used to be a quiet area.

TIM COOPER, 6300 Hill Haven Avenue, appeared in protest. This zone change will generate more traffic than residential estates and not provide as good an aesthetic transition.

TONY LOPEZ, 6260 Chimney Wood Avenue, appeared in protest. He wants this contingent upon what uses will occur after the zoning is in place. This will generate too much traffic.

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ACTION

ABEYANCE - RENOTIFICATION - Z-7-99 -
THE R. PARAMAHAMSA TRUST [RELATED TO
ITEMS C-5, U-16-99 AND C-6, U-17-99]

7. Common access rights shall be established between all proposed retail uses on this site, and inter-site access shall be provided between all proposed retail uses as required by the Department of Public Works. Provide proof of such common access rights prior to the issuance of any building permits for this site.

8. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of a map dividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site or the recordation of a Map dividing this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

CHAIRMAN BUCKLEY responded that it could be a possibility. He declared the Public Hearing closed.

JIM VELTMAN appeared in rebuttal. They are trying to work with the neighbors to have a Service Commercial, C-1, project.

VICE CHAIRMAN GALATI thought it was commendable that the applicant is working with the neighbors. He wanted to make sure that staff has a copy of the plan on file so it will be documented as to what was approved.

CHERI EDELMAN, Public Works, requested that "or the recordation of a map dividing this site" be deleted in Condition No. 8. However, that is appropriate in Condition No. 9 because the mini-storage is only a portion of that south parcel.

To be heard by the City Council on 4/26/99.

(8:28-8:42) 2 - 1960)

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ITEM

ACTION

ABEYANCE - RENOTIFICATION - Z-7-99 -
THE R. PARAMAHAMSA TRUST [RELATED TO
ITEMS C-5, U-16-99 AND C-6, U-17-99]

APPROVED

9. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

10. All City Code requirements and design standards of all City departments must be satisfied.

11. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

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ACTION

C-5.

ABEYANCE - U-16-99 - THE R. PARAMAHAMSA TRUST [RELATED TO ITEMS C-4, Z-7-99 AND C-6, U-17-99]

Request for a Special Use Permit on property located on the southwest corner of Lone Mountain Road and Torrey Pines Drive FOR 91 ASSISTED LIVING APARTMENTS IN CONJUNCTION WITH A PROPOSED 37,879 SQUARE FOOT ASSISTED CARE FACILITY, R-E (Residence Estates) and C-2 (General Commercial) Zones, pending Zone change to: C-1 (Limited Commercial) Zone, Ward 4 (Brown), APNs: 138-02-102-002 and 003.

**Galati -
WITHDRAWN WITHOUT PREJUDICE
Unanimous
(Mack and Quinn excused)**

ANDREW REED, Planning and Development Department, stated Item Nos. C-5, U-16-99, and C-6, U-17-99, were held in abeyance from the March 11th meeting to allow the applicant to meet with the surrounding property owners. As a result of that meeting, the applicant is requesting withdrawal of these Use Permits. The applicant wishes to go forward with the zone change.

APPLICANT was in the audience and agreed that he wanted these items withdrawn from the agenda.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

(6:08-6:09) 1 - 150

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ITEM

ACTION

C-6.

ABEYANCE - U-17-99 - THE R.
PARAMAHAMSA TRUST [RELATED TO ITEMS
C-4, Z-7-99 AND C-5, U-16-99]

Request for a Special Use Permit on property located on the southwest corner of Lone Mountain Road and Torrey Pines Drive FOR A MINOR AUTOMOTIVE REPAIR CENTER IN CONJUNCTION WITH A PROPOSED 21,825 SQUARE FOOT AUTO PARTS STORE, R-E (Residence Estates) and C-2 (General Commercial) Zones, pending Zone change to: C-1 (Limited Commercial), Ward 4 (Brown), APNs: 138-02-102-002 and 003.

Galati -

WITHDRAWN WITHOUT PREJUDICE

Unanimous

(Mack and Qulnn excused)

ANDREW REED, Planning and Development Department, stated Item Nos. C-5, U-16-99, and C-6, U-17-99, were held in abeyance from the March 11th meeting to allow the applicant to meet with the surrounding property owners. As a result of that meeting, the applicant is requesting withdrawal of these Use Permits. The applicant wishes to go forward with the zone change.

APPLICANT was in the audience and agreed that he wanted these items withdrawn from the agenda.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

(6:08-6:09) 1 - 150

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ITEM

ACTION

C-7.

ABEYANCE - U-24-99 - KATHY L.
LIGHTFOOT ON BEHALF OF JAMAL
JEBERAEEL

Request for a Special Use Permit on property located at 1600 North Jones Boulevard FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE, C-1 (Limited Commercial) Zone, Ward 4 (Brown), APN: 138-24-401-002.

NOTICES MAILED: 447 (3/25/99 PC)

APPROVALS: 1 (4/8/99 PC)

PROTESTS: 2 (3/25/99 PC)

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. Provide minimum 24 inch box trees 20 feet on center in the landscape planters along Vegas Drive and Jones Boulevard with shrubs and ground cover as required by the Planning and Development Department. The use of drought tolerant landscaping is encouraged.
2. Relocate the existing trash enclosure to be a minimum of 50 feet from adjacent residential properties as required by the Planning and Development Department.
3. This use shall comply with all requirements of Title 6.50 of the City of Las Vegas Municipal Code.
4. This does not constitute approval of a liquor license.

Galati -

APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND ADDITIONAL CONDITION OF REMOVING THE STORAGE UNIT.

Unanimous

(Gordon, Mack and Quinn excused)

ANDREW REED, Planning and Development Department, stated that at the March 24th Planning Commission meeting this item was held in abeyance to allow the applicant to meet with the neighboring property owners regarding access. Staff has received a copy of an agreement between the applicant and the homeowners association. This is an existing commercial building previously operated as an auto parts store. The applicant is now proposing to convert the building to a convenience store. Access to this site is via one existing driveway from Vegas Drive and one existing drive from Jones Boulevard.

It is recommended that the landscape planters along Vegas Drive and Jones Boulevard be upgraded to include 24 inch box trees 20 feet on center with shrubs and ground cover to comply with the code. It is also recommended that the existing trash enclosure be relocated to be a minimum of 50 feet from the existing residential properties to comply with City Code.

The proposed location meets the minimum separation requirements. However, there are convenience stores existing on the southwest and southeast corners of this intersection that sell beer and wine. The City's General Plan encourages a mix of land uses. The applicant has not demonstrated any special circumstances to warrant the granting of this Special Use Permit.

Staff recommended denial.

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ITEM

ACTION

ABEYANCE - U-24-99 - KATHY L.
LIGHTFOOT ON BEHALF OF JAMAL
JEBERAEEL

5. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities as required by the Department of Public Works.

6. Meet with the Traffic Engineering representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Any new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

7. Contribute \$1,500 for general neighborhood traffic mitigation prior to the issuance of building or off-site permits as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic signal moneys for the installation of traffic signals at any other intersection within this general vicinity which is impacted by this development and which has a more immediate need for signalization.

8. All City Code requirements and design standards of all City departments must be satisfied.

JAMAL JEBERAEEL appeared and represented the application. Kathy L. Lightfoot has agreed to this request except an easement. He concurred with staff's conditions.

BOB GENZER, Planning and Development Department, added that there is a storage unit on the east side of this property that appears to be attached to the structure by an electrical line. Staff would like that storage unit removed from this property.

MR. JEBERAEEL said that condition would be acceptable. The people that own that storage unit will clean it and then move it. The homeowners association and he are in agreement with this request. However, his landlady is proposing that there not be an easement on the corner.

CHAIRMAN BUCKLEY declared the Public Hearing open.

DIANE FREDERICKS, President, Rock Creek Manor Homeowners Association, appeared in favor. They want to maintain the access they have been using and have a signed agreement with the applicant as to what will be done on this property.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER SKAAR commented that she has spoken with the property owner. She asked him if there is a problem with building the fence, putting in the landscaping, etc. that is in the agreement with Rock Creek Manor. He said he did not object as long as the applicant would do those items at his expense.

DEPUTY CITY ATTORNEY GEORGE said a condition could be imposed stating that approval of the agreement would be subject to the City Attorney's Office approval. The parties involved could meet with him to work something out prior to the City Council hearing.

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ITEM

ACTION

ABEYANCE - U-24-99 - KATHY L.
LIGHTFOOT ON BEHALF OF JAMAL
JEBERAEEL

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(8:42-8:54) 2 - 2590

Recess

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ITEM

ACTION

C-8.

VAC-7-99 - BANK OF NEVADA

Petition to vacate excess public rights-of-way and a twenty foot (20') wide public sewer easement generally located west of Tonopah Drive between Charleston Boulevard and Rancho Lane, Ward 1 (McDonald).

NOTICES MAILED: Applicant only

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. The existing public sewer line shall be relocated and the new public sewer easement documentation shall be submitted to the City of Las Vegas Right-of-Way Section prior to the recordation of the Order of Vacation as required by the Department of Public Works.

2. Construct new pavement, curb, gutter, and sidewalk adjacent to this site generally conforming to the site plan submitted with the traffic impact study titled "Charleston and Tonopah Site Plan" dated January 8, 1999 by Summit Engineering Corporation, concurrent with on-site development activities. Coordinate the construction of all off-site improvements with the Pavement Management Section of the City of Las Vegas as required by the Department of Public Works.

3. All existing public improvements adjacent to and in conflict with this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation as required by the Department of Public Works.

4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

Galati -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Gordon, Mack and Quinn excused)

ANDREW REED, Planning and Development Department, stated this is a request to vacate public rights-of-way and a sewer easement on property generally located west of Tonopah Drive between Charleston Boulevard and Rancho Lane. Staff does not have an objection to this request as the applicant is attempting to meet conditions for a previously approved site plan. Staff recommended approval, subject to the conditions.

GARY BUSBY, Summit Engineering Corporation, 3684 South Highland Drive, appeared and represented the applicant.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this Item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(9:06-9:08) 2 - 3190

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

VAC-7-99 - BANK OF NEVADA

APPROVED

5. All development shall be in conformance with code requirements and design standards of all City departments.

6. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Conditions #2 and #3 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

7. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

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ITEM

ACTION

C-9.

VAC-9-99 - CLARK COUNTY

Petition to vacate a twenty-foot (20') wide public alley generally located north of Bonneville Avenue and south of Clark Avenue, and a twenty-foot (20') wide public alley generally located north of Clark Avenue and south of Lewis Avenue, both properties being between Casino Center Boulevard and Third Street, Ward 1 (McDonald).

NOTICES MAILED: 9

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. Approval of this Vacation application endorses the overall concept of eliminating all public interests in the existing public alley right-of-ways within Blocks 22 and 23 of Clark's Las Vegas Townsite subdivision; however, to address some possible concerns to the property owners abutting the public alley corridor, this Order of Vacation (to eliminate the public ownership and maintenance of the existing public alley corridors) shall be recorded in "phases". City Staff is empowered to "phase" the Order of Vacation and record such "phase(s)" only when the property owners abutting both sides of each "phase" concur in writing to the elimination of the public alley located between their respective properties.

2. The submitted Drainage Plan and Technical Drainage Study must be accepted by the Department of Public Works prior to the recordation of the Order of Vacation.

Moran -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Gordon, Mack and Quinn excused)

ANDREW REED, Planning and Development Department, stated the applicant is attempting to meet the requirements of a previously approved zone change. The elimination of the two alleys will allow the property to be incorporated into the proposed Regional Justice Center. Staff recommended approval, subject to the conditions.

TEX REXING, Clark County, 500 Grand Central Parkway, appeared and represented the application. He concurred with staff's conditions.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER MORAN asked what the plans are for trash pickup.

KEN ADAMS appeared and represented the application. Presently there is an area to the south that will be open until the buildings are removed, which will be March of 2000. That will become the parking lot for the new Regional Justice Center. There will be a trash compactor within the Regional Justice Center building.

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(9:08-9:10) 2 - 3290

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ITEM

ACTION

VAC-9-99 - CLARK COUNTY

APPROVED

3. A "phased" sanitary sewer relocation/abandonment plan must be submitted by the applicant for each "phase" of the Vacation and approved by the Department of Public Works prior to the recordation of the Order of Vacation for each "phase"; comply with the recommendations of the "phased" approval plans. If required in the approved relocation/abandonment plans, public sewer easements shall be retained over each "phase" of the vacated areas as necessary. An alternate sewer path is required to service Block 24 south of the Vacation area.

4. The applicant shall remove all public alley/streetlighting fixtures/appurtenances impacted by each "phase" of this Vacation action and return all salvageable materials to the City's Electrical Yard in accordance with the direction of the Traffic/Electrical Field Operations Manager; the applicant shall also eliminate/relocate all impacted alley/streetlighting electrical service meters per the direction of the Traffic/Electrical Field Operations Manager as required by the Department of Public Works.

5. The existing alley driveways (where the alley connects with the public streets abutting this block) shall be removed upon the "phased" Order of Vacation process unless the vacated alley corridor will continue to be utilized as a private access drive; the abutting property owners shall restore such areas with new curb/gutter and new sidewalk meeting current City Standards as required by the Department of Public Works.

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ITEM

ACTION

VAC-9-99 - CLARK COUNTY

APPROVED

6. All utility improvements/facilities, private improvements and public improvements, if any, in conflict with each "phase" and the overall intent of this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of each "phase" of the Order of Vacation as required by the Department of Public Works. The abutting property owner(s) of each "phase" of the alley Vacation shall be financially responsible for all utility modifications needed to ensure continued service to those tenants/owners with businesses/properties abutting those portions of Blocks 22 and 23 of Clark's Las Vegas Townsite subdivision not currently being vacated.

7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

8. All development shall be in conformance with code requirements and design standards of all City departments.

9. The Order of Vacation may be recorded in "phases", however, no "phase" shall be recorded until all of the above conditions have been met. Conditions #3 through #6 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all Vacation actions abutting

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ITEM

ACTION

VAC-9-99 - CLARK COUNTY

public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

10. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

APPROVED

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ITEM	ACTION
C-10. <u>VAC-10-99 - SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY</u> Petition to vacate U. S. Government Patent Reservations generally located south of Grand Teton Drive and east of Durango Drive, Ward 4 (Brown). <u>NOTICES MAILED:</u> Applicant only <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 0 <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: 1. This Vacation application shall be amended to also eliminate the existing public right-of-way for the east half of Tule Springs Road (aka "Old Durango Drive Alignment) from Jo Marcy Drive northward to the southeast edge of the realigned Durango Drive as required by the Department of Public Works. 2. All improvements, if any, adjacent to and in conflict with this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation as required by the Department of Public Works. 3. Development of these sites shall comply with all applicable Conditions of Approval for the Spring Mountain Ranch Subdivision, Z-131-97, and all other site-related actions as required by the Department of Public Works. 4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required. This condition shall not apply to the Vacation of U.S. Government Patent Reservations.	Skaar - APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND CONDITION NO. 3 AMENDED TO Z-92-96. Motion carried with Buckley abstaining from voting because the applicant is a client of his law firm. (Gordon, Mack and Quinn excused) ANDREW REED, Planning and Development Department, stated staff does not have an objection to this request as the applicant is requesting this Vacation in order to comply with Condition No. 4 of Z-92-96. However, the Department of Public Works is requiring an amendment to the Vacation application to also eliminate the existing public right-of-way for the east half of Tule Springs Road from Jo Marcy Drive northward to the southeast edge of the realigned Durango Drive. Staff recommended approval, subject to the conditions. MIKE PIALAPANDO, CVL Consultants, Inc., 6280 South Valley View Boulevard, Suite 200, appeared and represented the applicant. He concurred with staff's conditions and the amendment to Condition No. 3. VICE CHAIRMAN GALATI declared the Public Hearing open. There was no one present in opposition. VICE CHAIRMAN GALATI declared the Public Hearing closed. The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99. (9:10-9:12) 2 - 3420

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ITEM

ACTION

VAC-10-99 - SPRING MOUNTAIN RANCH,
LIMITED LIABILITY COMPANY

APPROVED

5. All development shall be in conformance with code requirements and design standards of all City departments.

6. The Order of Relinquishment of Interest and/or Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition #2 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all Vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

7. If the Order of Relinquishment of Interest and/or Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.

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ITEM

ACTION

C-11.

U-31-99 - ALBERT MASSI ON BEHALF OF
SECOND SPIN, INC.

Request for a Special Use Permit on property located at 2300 North Rainbow Boulevard TO ALLOW A SECONDHAND DEALER OF USED COMPACT DISCS, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 4 (Brown), APN: 138-23-110-041.

NOTICES MAILED: 169

APPROVALS: 0

PROTESTS: 0

STAFF RECOMMENDATION: APPROVAL,
subject to:

1. If this Special Use Permit is not exercised with one year after the approval, the Special Use Permit shall be void unless an Extension of Time is granted.
2. No outdoor display, sales or storage of any merchandise shall be permitted.
3. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.
4. If not already constructed by the master developer, construct a full width driveway and appropriate on-site pavement to allow two-way traffic to and from this site and the abutting public street (Rainbow Boulevard) as required by the Department of Public Works.

Moran -

APPROVED, SUBJECT TO STAFF'S CONDITIONS.

Unanimous

(Gordon, Mack and Quinn excused)

ANDREW REED, Planning and Development Department, stated the applicant proposes to operate a retail store for the sale of secondhand audio and video materials within a suite of the Alano Plaza. Access to the site is provided by two driveways to Rainbow Boulevard and one interior driveway on the north property line. The sale of used audio and video material in this retail shop is compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan. The subject site is physically suited for the type of land use being proposed. Staff recommended approval, subject to the conditions.

ZEV KAPLAN, 3012 West Charleston Boulevard, #140, appeared and represented the applicant. This shopping center has not been built yet. He concurred with staff's conditions.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(9:12-9:14) 2 - 3530

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ITEM

ACTION

U-31-99 - ALBERT MASSI ON BEHALF OF
SECOND SPIN, INC.

APPROVED

5. Site development to comply with all applicable Conditions of Approval for Z-85-96, Z-146-89 and all other site-related actions as required by the Planning and Development Department and the Department of Public Works.

6. All City Code requirements and design standards of all City Departments must be satisfied.

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ITEM	ACTION
C-12.	<u>U-32-99 - DEL WEBB COMMUNITIES, INC.</u> Request for a Special Use Permit on property located at the southeast corner of Lake Mead Boulevard and the Western Beltway TO ALLOW A 75 FOOT HIGH CELLULAR MONOPOLE TOWER WITH ANCILLARY ELECTRICAL EQUIPMENT BOXES, P-C (Planned Community) Zone, Ward 2 (Adamsen), APN: 137-14-897-005. ON APRIL 5TH, THE APPLICANT REQUESTED THAT THIS BE HELD IN ABEYANCE UNTIL THE MAY 13TH PLANNING COMMISSION MEETING SO THAT THE APPLICANT CAN MEET WITH THE CLARK COUNTY DEPARTMENT OF PUBLIC WORKS. STAFF HAD NO OBJECTION TO THIS REQUEST. Galati - ABEYANCE (TO THE 5/13/99 PLANNING COMMISSION MEETING TO ALLOW THE APPLICANT TO MEET WITH THE CLARK COUNTY DEPARTMENT OF PUBLIC WORKS.) Unanimous (Mack and Quinn excused) ANDREW REED, Planning and Development Department, stated the applicant has requested this item be held in abeyance until the May 13th Planning Commission meeting to allow them to work with the County regarding the location of the tower in relation to the Beltway. There was a Board of Zoning Adjustment item on that agenda for a Certificate of Deviation for this tower that was held in abeyance until the May 4th BZA meeting. CHAIRMAN BUCKLEY declared the Public Hearing open. There was no one present in opposition. CHAIRMAN BUCKLEY declared the Public Hearing closed. To be heard by the Planning Commission on 5/13/99. (6:09-6:10) 1 - 190

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ITEM	ACTION
C-13. <u>U-33-99 - SAXTON, INC. ON BEHALF OF ASAM YOUSIF</u> Request for a Special Use Permit on property located at 3600 Vegas Drive FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE; AND FOR A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A CHILD CARE FACILITY, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 139-20-410-003. <u>NOTICES MAILED:</u> 218 <u>APPROVALS:</u> 1 <u>PROTESTS:</u> 160 <u>STAFF RECOMMENDATION:</u> DENIAL. If Approved, subject to: 1. If this Special Use Permit is not exercised within one year after the approval, the Special Use Permit shall be void unless an Extension of Time is granted. 2. This approval constitutes approval of a waiver of the 400 foot separation requirement between a child care facility and liquor establishment. 3. The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited. 4. Approval of this Special Use Permit does not constitute approval of a liquor license. 5. Conformance to all relevant sections of the Municipal Code.	Moran - DENIED (DUE TO THE PROXIMITY OF THIS REQUEST TO THE EXISTING CHILD CARE FACILITY.) Motion carried with Buckley abstaining from voting because his son is employed by Saxton, Inc. (Gordon, Mack and Quinn excused) JOEL McCULLOCH, Planning and Development Department, stated access to the site is provided by one driveway from Vegas Drive. The commercial center is sited on the northern portion of the site, with parking to the south. There is an eight foot wide landscape planter along Vegas Drive. There are two child care facilities within 400 feet of this application. The Little Round-up child care facility, located at 3700 Vegas Drive, licensed for a maximum of 72 children, is located 55 feet from the proposed convenience store. My Little Margies child care facility, located at 3707 Vegas Drive, is licensed for 35 children and is located approximately 100 feet from the proposed convenience store. The child care facility located at 3700 Vegas Drive has provided staff with a letter indicating they have no objection to this request. However, Section 19A.04.050 of the City of Las Vegas Zoning Code requires all off-sale liquor establishments to be a minimum of 400 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or City park. The child care facility at 3707 Vegas Drive has not provided a letter either for or against the application. Therefore, based on the above findings, staff cannot support this request. Staff recommended denial. PHIL BERGER, Saxton, Inc., appeared and represented the application. He has a letter from My Little Margies indicating they would not object to this request. This is more of a market than a convenience store. Vegas Market intends to sell vegetables, fruit, etc. The operators and owners of the property are willing to limit the sale of beer and wine according to staff's condition.

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ITEM

ACTION

U-33-99 - SAXTON, INC. ON BEHALF OF
ASAM YOUSIF

6. All City Code requirements and design standards of all City departments must be satisfied.

7. Conformance to all site-related actions.

VICE CHAIRMAN GALATI declared the Public Hearing open.

BEATRICE TURNER appeared in protest. She wondered if Item Nos. C-13 and C-15 are related since the applicants have the same last name. She felt this should be denied because it is less than 400 feet from a child care facility. There is no need for more alcohol in this neighborhood.

MR. BERGER responded that the applications are not related and he did not believe those persons are related even though they have the same last name.

CHARLES HOLMES, 1331 Silver Lake Drive, appeared in protest. There are enough establishments that sell alcohol in the neighborhood. He objected to this store next to a child care facility. This building is made to be for professional businesses, such as doctors, etc. The Twin Lakes community wants to upgrade their area. This store will be located at a school crossing.

TOM DAVIS, owner of 7/11 Convenience Store across the street, appeared in protest. He was concerned about the day care being so close to this store and that there is already a saturation of off-sale beer and wine in the area. He submitted a petition with 155 signatures in opposition. He also submitted a letter from the Willow Mobile Park in opposition. The residents in the area indicated they do not need another convenience store in the area. In a one and a half mile radius there are 16 locations where a person can purchase beer and wine. The day care facility was originally in opposition to this request and now he found out they are in approval.

VICE CHAIRMAN GALATI declared the Public Hearing closed.

MR. BERGER appeared in rebuttal. He showed pictures of a similar store. This is a market, not a liquor store.

COMMISSIONER SKAAR asked the square footage of this store.

MR. BERGER responded that it is 2,998 square feet. It comprises about one-third of the shopping center. There are two day care facilities in the immediate area.

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ITEM

ACTION

U-33-99 - SAXTON, INC. ON BEHALF OF
ASAM YOUSIF

COMMISSIONER SKAAR felt this looks like the layout for an ordinary convenience store.

MR. BERGER added that this store will not carry any fresh meat, just luncheon meat. Approximately one-third of the store will be devoted to alcoholic type drinks.

COMMISSIONER MORAN said she is familiar with this area and feels it is saturated with places to purchase alcohol. The two day cares will be too close to this store.

This is final action.

(9:14-9:32) 2 - 3630

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ITEM	ACTION
C-14. <u>U-34-99 - MICHAEL AND NANCY CORRIGAN FAMILY TRUST ON BEHALF OF DISCOUNT TIRE COMPANY</u> Request for a Special Use Permit and Site Development Plan Review on property located on the south side of Lake Mead Boulevard, approximately 800 feet west of Tenaya Way, FOR A PROPOSED 7,649 SQUARE FOOT MINOR AUTOMOTIVE REPAIR FACILITY (DISCOUNT TIRE), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Size: 0.74 Acres, Ward 2 (Adamsen), APN: 138-22-302-009. <u>NOTICES MAILED:</u> 86 <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 0 <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to: - If this Special Use Permit is not exercised with one year after the approval, the Special Use Permit shall be void unless an Extension of Time is granted. - Approval of this Special Use Permit does not constitute approval of the submitted site plan. A revised site plan that meets the standards of the Las Vegas Zoning Code (Title 19A) and the Las Vegas Urban Design Guidelines shall be submitted and approved by the Planning and Development Department prior to construction on this site. - Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.	Moran - APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND ADDITIONAL CONDITION THAT THE CANOPY IS TO EXTEND TO THE END OF THE BUILDING ON THE NORTH ELEVATION. Unanimous (Gordon, Mack and Quinn excused) JOEL McCULLOCH, Planning and Development Department, stated access to the site is provided by one 30 foot wide driveway from Lake Mead Boulevard, two internal driveways with the property to the west and one internal driveway with the property to the east. The building is sited five feet from the easterly property line. Parking is provided to the west of the proposed structure. This use is compatible with the existing surrounding land uses, and with future land uses as projected by the General Plan. Staff is concerned with several aspects of the submitted site plan. First, the applicant is proposing a five foot building setback from the east property line. This will require a Variance approval by the Board of Zoning Adjustment (BZA) or submittal of a revised site plan showing a minimum 10 foot side yard setback. Second, the applicant will need a Variance approval from the BZA to reduce the required parking for the site from 44 to 25 spaces, or provide the City with an off-site parking agreement that shares parking with the property to the west. Third, the handicap parking stalls will need to be reconfigured to show the required access aisles. Fourth, the applicant has proposed a five foot wide landscape planter along half of the east property line. The requirement is an eight foot wide planter with 24 inch box trees 30 feet on center, along the entire length of the east property line. Fifth, the applicant has proposed a two foot wide planter along the south property line. The requirement is an eight foot wide planter with 24 inch box trees 20 feet on center. Staff would also request that the front yard setback be increased, so that this structure be in line with the Pep Boys to the east. Also, the proposed canopy in the front of the store should be extended the entire length of the building. Staff recommended approval, subject to the conditions.

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ITEM

ACTION

U-34-99 - MICHAEL AND NANCY CORRIGAN
FAMILY TRUST ON BEHALF OF DISCOUNT
TIRE COMPANY

4. Site development to comply with the recently approved addendum to the Traffic Impact Analysis. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

5. An addendum to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the submittal of any construction drawings or the recordation of a Map dividing this site, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways as recommended in the approved Drainage Plan/Study.

6. Site development to comply with all applicable Conditions of Approval for Z-53-95, PM-18-98, and all other site-related actions as required by the Department of Public Works.

7. All development shall be in conformance with the plot plan and building elevations as amended by the above conditions.

8. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

DON THRAILKILL, Discount Tire Company, 14631 North Scottsdale Road, Phoenix, Arizona 35004, appeared and represented the application. This is a retail facility engaging in the sale of passenger car and light truck tires and wheels only, no automotive services.

STEVEN CRITCHER, Architectural Resource Team, Inc., 411 North Central, Suite 200, Phoenix, Arizona, appeared and represented the applicant. He concurred with staff's conditions. There is a request to have the canopy extend down the full length of the building. It will be over the store front retail area of the building. Discount Tire likes to draw attention to their retail area. He objected to having the canopy over the garage bay doors because there are large vehicles coming up to those doors and there would be a problem with height. This building will align with Pep Boys. They will be applying for a Variance for the parking.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

VICE CHAIRMAN GALATI asked if this location is where there was a Sonic Restaurant. He wondered if the liquor store is still there.

MR. GENZER responded that the liquor store is still in business as far as he knows.

MR. THRAILKILL said they are trying to work a parking agreement out with that store.

TAMBRI HEYDEN, Planning and Development Department, clarified that the canopy is to extend to the end of the building on the north elevation and not in front of the bay doors.

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ITEM

ACTION

U-34-99 - MICHAEL AND NANCY CORRIGAN
FAMILY TRUST ON BEHALF OF DISCOUNT
TIRE COMPANY

MR. GENZER requested the applicant submit the revised site plans to staff.

9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).

11. All City Code requirements and design standards of all City departments must be satisfied.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet.

14. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Department of Building and Safety. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(9:32-9:42) 3 - 560

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
C-15.	
<u>U-35-99 - GOVERNOR JOHNSON TRUST ON BEHALF OF GORIAL YOUSIF</u> Request for a Special Use Permit on property located at 2027 H Street FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A EXISTING GROCERY STORE; AND FOR A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A PARK, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 139-21-610-258. ON APRIL 7, THE APPLICANT REQUESTED THIS ITEM BE HELD IN ABEYANCE UNTIL THE MAY 13, 1999 PLANNING COMMISSION MEETING. <u>NOTICES MAILED:</u> 210 <u>APPROVALS:</u> 0 <u>PROTESTS:</u> 56 <u>STAFF RECOMMENDATION:</u> DENIAL. If Approved, subject to: 1. If this Special Use Permit is not exercised within one (1) year after the approval, the Special Use Permit shall be void unless an Extension of Time is granted. 2. The sale of individual containers of any size beer, wine coolers or screw cap wine is prohibited. 3. This approval constitutes a waiver of the separation requirement from the park and child care facility. 4. Approval of this request does not constitute approval of a liquor license.	Galati - DENIED (DUE TO THE PROXIMITY OF THIS PROPOSAL TO A CITY PARK.) Motion carried with Skaar abstaining from voting because this is in the area of her West Las Vegas Executive Board. (Gordon, Mack and Quinn excused) NOTE: At the beginning of the meeting there was a first motion by Moran to have this item heard at this meeting in its regular order on the agenda. The motion carried with Skaar abstaining from voting because this is in the area of her West Las Vegas Neighborhood Advisory Board and Mack and Quinn excused. ***** ANDREW REED, Planning and Development Department, stated the applicant has requested this item be held in abeyance until the May 13th meeting because they are not prepared for this meeting. GORIAL YOUSIF appeared and represented the application. He is working on other convenience stores at the present time and has not had enough time to work on this request. CHAIRMAN BUCKLEY asked if there was anyone in the audience that wished to just speak on the merits of holding this item in abeyance. BEATRICE TURNER appeared to voice her objection to holding this item in abeyance. Last year this type of application was denied. Now this is a new owner making the same type of application. She does not want more beer and wine for sale in her neighborhood. This item should be withdrawn from the agenda. The West Las Vegas Neighborhood Advisory Board voted to have this application denied. COMMISSIONER MORAN felt that since this is a new applicant, he should be given a chance to be heard. VICE CHAIRMAN GALATI acknowledged this is a different applicant from the request last year, but there is nothing that has been presented to make him in favor of holding this item in abeyance.

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ACTION

U-35-99 - GOVERNOR JOHNSON TRUST ON BEHALF OF GORIAL YOUSIF

5. Conformance to all relevant sections of the City of Las Vegas Municipal Code.

6. Dedicate a 15 foot radius on the southwest corner of "H" Street and Hart Avenue within 90 days of approval of City Council Approval of this Use Permit as required by the Department of Public Works.

7. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards within 90 days of City Council approval of this Use Permit as required by the Department of Public Works.

8. Construct a handicap ramp on the southwest corner of "H" Street and Hart Avenue within 90 days of City Council approval of this Use Permit as required by the Department of Public Works.

COMMISSIONER GORDON thought if it is held until the next meeting that it should definitely not be continued past that time.

COMMISSIONER MORAN then made a motion to have this item heard at this meeting in its regular order on the agenda.

CHAIRMAN BUCKLEY recalled this item after Item No. C-14.

ANDREW REED, Planning and Development Department, stated this market is within a developed commercial facility which includes a tire repair store, retail shop, barber shop, and a beauty salon. Access to this property is via 24 foot wide driveways to "H" Street and Hart Avenue. Staff is unable to support this request based on the proximity of the market to the city park, the child care center, and the predominantly residential character of the area. It is the opinion of staff that this use cannot be conducted in a compatible manner with the surrounding civic and residential uses. Staff recommended denial.

GORIAL YOUSIF appeared and represented the application. He wants to clean up this building and make it like a convenience store and sell his merchandise to the residents in the area. He is not asking for liquor sales, just beer and wine. There is no convenience store in the area and the children that live in the area have to go a distance to the closest store. He plans to sell groceries, meats, and other items that a family would need. He will not be serving single containers of beer and wine. He has another convenience store at 557 East Sahara Avenue and has cleaned up that area.

CHAIRMAN BUCKLEY declared the Public Hearing open.

BEATRICE TURNER appeared in protest. Undersheriff Winget of Metro has signed this petition. There is no need for more alcohol in the area. An arcade would be preferable on this property. It will be difficult to clean up this area with all the drugs and alcohol there already.

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U-35-99 - GOVERNOR JOHNSON TRUST ON
BEHALF OF GORIAL YOUSIF

LOUIS CONNER, 808 West Lake Mead Boulevard, appeared in protest. He has had a restaurant, bar, and packaged liquor establishment in the area for twenty years. This area is saturated with alcohol. It is difficult to sell alcoholic beverages in the area. He has to have security at his business. He submitted a petition with 70 signatures in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

GORIAL YOUSIF said he will do everything that staff has requested.

VICE CHAIRMAN GALATI said he could not approve of this application because of the separation between the church and the child care facility. He then made a motion for denial of this application.

This is final action.

(6:10-6:14) 1 - 230
(9:42-9:54) 3 - 880

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ITEM

ACTION

U-36-99 - MER-CAR CORPORATION

STAFF RECOMMENDATION: DENIAL.

DAVID WINTER, MER-CAR CORPORATION, 1410 South Clinton Street, Chicago, Illinois, appeared and represented the applicant because he was detained in Detroit, Michigan. MR. WINTER agreed to having this item held in abeyance.

(6:14-6:17) 1 - 390

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ITEM

ACTION

C-17.

U-37-99 - CHARLESTON HEIGHTS
SHOPPING CENTER ON BEHALF OF AUTO
AID, LIMITED LIABILITY COMPANY

Request for a Special Use Permit on property located at 4905 West Alta Drive FOR USED CAR SALES, C-2 (General Commercial) Zone, Ward 1 (McDonald), APN: 138-36-701-002.

NOTICES MAILED: 92

APPROVALS: 1

PROTESTS: 1

STAFF RECOMMENDATION: APPROVAL, subject to:

1. The use is limited to five for-sale cars.
2. The installation and use of an outside public address or bell system is prohibited.
3. No used or discarded automotive part or equipment shall be located in any open area outside of an enclosed building.
4. All exterior lighting shall be screened or otherwise designed so as to not shine directly onto any adjacent parcel of land.
5. The only stickers allowed in the windows of the cars will be an 8-1/2 X 11 sign listing features on the car and the price.
6. No cars on the premises will be older than 1993 models.

Skaar -

APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND CONDITION NO. 1 AMENDED TO ELEVEN CARS AND CONDITION NO. 6 AMENDED TO NO CARS OLDER THAN SIX MODEL YEARS.

Motion carried with Buckley abstaining from voting because the Becker Family owns this property and his law firm does legal work for them and Moran abstaining from voting.

(Gordon, Mack and Quinn excused)

JOEL McCULLOCH, Planning and Development Department, stated access to the site is provided by two driveways from Alta Drive. The proposed auto sales office is a storefront within an existing commercial subdivision. The lease agreement that the applicant has with the lessor indicates that the car dealership has been allocated 11 parking spaces. The parking spaces are located in front of the store facing Alta Drive. Staff acknowledges that it is unusual for a used car lot to be placed within a shopping center. However, because the building where the applicant is proposing to locate his business is oriented away from the remainder of the shopping center, staff believes there will be no detrimental effect on the center. Additionally, directly across the street from this portion of the shopping center is the existing Fletcher Jones Auto Dealership. Staff finds that the configuration of this shopping center will allow the proposed use to be compatible with the surrounding land uses

The applicant has indicated in his lease agreement that his use is allocated 11 parking spaces in the overall development. The submitted floor plans indicate eight desks for employees, and there are three required spaces. If this is the case there will be no space for parking inventory for display. Because of this, staff recommended that this Special Use Permit be limited to a maximum of five cars for sale on the lot.

Staff recommended approval, subject to the conditions.

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ITEM

ACTION

U-37-99 - CHARLESTON HEIGHTS
SHOPPING CENTER ON BEHALF OF AUTO
AID, LIMITED LIABILITY COMPANY

7. No flags or like type banners etc. will be allowed on the cars or lease premises.

8. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. No parking, deliveries, or display of any vehicles shall be permitted in the public right-of-way.

VICE CHAIRMAN GALATI said he has a letter that was submitted from James Nunn, President, of the West Charleston Lions Park Neighborhood Association, in protest of this application. He then declared the Public Hearing open.

DAVE BIDDLE, AUTO AID, L.L.C., 4905 West Alta Drive, appeared and represented the application. There is a used car dealership and rental car company in the area. There will only be two or three employees at this business. He submitted a letter from Ernest A. Becker, Jr. indicating they have allotted 11 parking spaces for stock purposes for this business. He cannot have any cars older than 1993 on the lot.

VICE CHAIRMAN GALATI asked the meaning of the letter sent by Becker Enterprises.

MR. McCULLOCH explained that when staff evaluated this application, the floor plan indicated eight desks, but he has stated there would only be the applicant and one or two employees. Originally staff requested the applicant to present an agreement with Becker Enterprises as the lessor showing there are 11 spaces set aside for his stock and additional spaces for employees and customers. Staff would be willing to let the applicant have 11 for-sale cars.

VICE CHAIRMAN GALATI declared the Public Hearing open.

There was no one present in opposition.

VICE CHAIRMAN GALATI declared the Public Hearing closed.

COMMISSIONER SKAAR asked the applicant if he plans to lease or rent cars. She asked how long the lease is.

MR. BIDDLE responded that he intends to lease and sell used cars. His lease is for two years.

COMMISSIONER SKAAR wondered if **Condition No. 6** could be changed to read "no cars older than six model years."

The City Council will set a date for a Public Hearing on this item at their 4/26/99 meeting. The Public Hearing will be heard by the City Council on 5/10/99.

(9:54-10:04) 3 - 1300

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ITEM	ACTION
C-18. <u>SD-8-99 - LARRY LAPENTA</u> Request for a Site Development Plan Review on property located at 3369 Thom Boulevard FOR A PROPOSED 5,682 SQUARE FOOT ADDITION TO AN EXISTING 2,583 SQUARE FOOT BUILDING, C-2 (General Commercial) Zone, Size: 2.71 Acres, Ward 4 (Brown), APN: 138-12-810-010. <u>NOTICES MAILED:</u> 93 <u>APPROVALS:</u> 164 <u>PROTESTS:</u> 1 <u>STAFF RECOMMENDATION:</u> APPROVAL, subject to the following: 1. Provide a minimum 15 foot wide landscape planter with a three foot high berm with 24 inch box trees spaced 20 feet on center, shrubs and ground cover along the east (Thom Boulevard) property line. 2. Provide minimum eight foot wide landscape planters with 24 inch box trees spaced 30 feet on center, shrubs and ground cover along the north, south and west property lines. 3. Prior to the issuance of any permits, sign a new Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants) on Thom Boulevard adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the release of this Parcel Map for recordation.	Gordon - APPROVED, SUBJECT TO STAFF'S CONDITIONS, EXCEPT TO AMEND CONDITION NO. 1 TO REPLACE THE 15 FOOT WIDE LANDSCAPE PLANTER WITH A 10 FOOT LANDSCAPE PLANTER, CONDITION NO. 2 DELETED EXCEPT FOR THE 24 INCH BOX TREES, CONDITION NO. 3 AS AMENDED BY PUBLIC WORKS TO READ THAT PRIOR TO THE ISSUANCE OF ANY PERMITS, THE APPLICANT SHOULD SIGN AND RECORD A COVENANT RUNNING WITH LAND AGREEMENT AND THE LAST SENTENCE DELETED, CONDITION NO. 4 TO BE WORKED OUT BETWEEN STAFF AND APPLICANT WHEREBY IF THERE IS A SEWER RUNNING ALONG THE FRONT PROPERTY LINE THE APPLICANT BE REQUIRED TO CONNECT TO IT ON THOM BOULEVARD, CONDITION NO. 6 AMENDED TO STATE THE DRAINAGE PLAN AND TECHNICAL DRAINAGE STUDY TO BE AS REQUIRED ACCORDING TO THE LAS VEGAS MUNICIPAL CODE, DELETE CONDITION NOS. 8, 9, 15, 16 AND 17, AND ADDITIONAL CONDITION THAT A FENCE BE CONSTRUCTED ALONG THE SOUTH PROPERTY LINE. Motion carried with Moran abstaining from voting because her husband was the attorney for the applicant and Skaar voting "No." (Mack and Quinn excused) ANDREW REED, Planning and Development Department, stated this site is currently developed with an existing tavern and dance hall (Larry's Hideaway). The applicant proposes to construct an addition to the north side of the existing building. The addition will house a restaurant, dance floor/bar area, kitchen and storage. Access to the site is provided by two 25 foot wide drives to Thom Boulevard. Landscaping is provided in a ten foot wide area along the street frontage and within planters in the west portion of the parking lot. On April 6th the Board of Zoning Adjustment approved a Variance to allow the expansion of this legal non-conforming use. Based on that approval, staff has no objection to this request.

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ACTION

SD-8-99 - LARRY LAPENTA

4. Construct public sewer in the Thom Boulevard alignment to service this site concurrent with development of this site as required by the Department of Public Works. Extend the public sewer line to the south edge of this site.

5. Contribute \$4,000.00 for neighborhood traffic mitigation prior to the issuance of building or off-site permits as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic monies for the installation of traffic signals at any intersection within this general vicinity which is impacted by this development.

6. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved Drainage Plan/Study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

7. All development shall be in conformance with the site plan, as amended by the above conditions, and the building elevations.

The submitted site plan does not comply with the landscape requirements of the City of Las Vegas Urban Design Guidelines and Standards, which require a minimum of 15 foot wide planters along the street frontage of Thom Boulevard, as well as eight foot wide planters along the north, west and south property lines. It has been staff's policy to recommend compliance with the Guidelines and Standards whenever new substantial construction is proposed. Staff has no basis to recommend approval of a waiver of the landscaping requirements.

Staff recommended approval, subject to the conditions.

ATTORNEY JOHN MORAN, JR. appeared and represented the applicant. The applicant has been at this location since 1963. He is attempting to upgrade this property without impacting the neighbors. ATTORNEY MORAN indicated on the monitor the existing portion and the expansion area. **He submitted a petition with 168 signatures in support, which is the same petition submitted at the Board of Zoning Adjustment meeting. In addition, he submitted a letter from the Northwest Area Residents Association which represented approximately 800 homeowners.** That Association saw the site development plan and feel it will enhance the area without compromising the rural nature of the neighborhood at large. Currently there are 67 parking spaces for this facility. There would be 112 spaces if this business were expanded.

He felt some of staff's conditions would eradicate the project. He agreed with Condition Nos. 3, 7, 10, 11, 12, 13 and 14. They have an existing 10 foot landscaping planter and not 15 feet as requested in Condition No. 1. If they put in more landscaping they would have to take out some of the handicapped parking spaces. However, he agreed to the 24 inch box trees as requested. He objected to Condition No. 2. On the north side of the property there are existing trees and shrubs. On the south side of the property is an existing building. On the west property line is vacant property that is maintained rural. In regard to Condition No. 4, this business is on a septic tank. There is no sewage system in this area.

CHERI EDELMAN, Public Works, requested Condition No. 4 be kept and reviewed further by the City's Sanitation Planning Engineer prior to the City Council hearing.

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SD-8-99 - LARRY LAPENTA

8. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).

11. All City Code requirements and design standards of all City departments must be satisfied.

12. Parking and driveway plans must be approved by the Traffic Engineer prior to the issuance of any permits.

13. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.

14. Remove all substandard public street improvements and all unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City standards prior to occupancy of this site as required by the Department of Public Works.

15. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

ATTORNEY MORAN objected to Condition Nos. 5, 6, 7, 8, 9, 15, 16 and 17.

LARRY LAPENTA, applicant, MIKE MALONE, General Manager of Larry's Hideaway, and IGNACIO GONZALEZ, Architect, were present to represent the application.

IGNACIO GONZALEZ, 2516 Ocean Front Drive, said the square footage of the entire area will be 5,600 square feet and the addition will be 1,900 square feet.

ATTORNEY MORAN said it was agreed with the two individuals that came to the Board of Zoning Adjustment meeting that there would be some type of wall or fence separation between this property and their properties and more landscaping in the front.

CHAIRMAN BUCKLEY declared the Public Hearing open.

There was no one present in opposition.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

MR. GENZER agreed to amending Condition No. 1 as requested by the applicant; namely a 10 foot wide landscape planter with a three foot high berm. Condition Nos. 8 through 17 are standard and staff would not agree to waiving them.

COMMISSIONER GORDON asked if the applicant has a mortgage on this property. If there is a holder of the mortgage he would want them to subordinate to the Covenant Running with Land Agreement and any future applications because it should not be wiped out through a foreclosure.

ATTORNEY MORAN advised that there is no mortgage on this property.

COMMISSIONER SKAAR commented that the Planning Commission usually does not allow the traffic contribution to be waived.

ATTORNEY MORAN felt it was unfair to assess a \$4,000 contribution on a small business when there is no need for signals in the foreseeable future.

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SD-8-99 - LARRY LAPENTA

16. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

17. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

CHERI EDELMAN advised that the \$4,000 traffic contribution is based on a \$1,500 per acre charge. This site has never paid any traffic contribution monies. That money could be for any traffic related issues. In regard to the drainage study, this area is in a flood zone so their area of expansion needs to conform to that study. **In regard to the sewer, language could be added indicating that if the Sanitation Sewer Engineer agrees it can be worked out or the Health District will allow the septic tank to continue that could be done administratively. She requested the wording in Condition No. 3 should be changed to: Prior to the issuance of any permits, the applicant should sign and record a Covenant Running with Land Agreement and the last sentence deleted.**

MR. GENZER commented that in regard to Condition No. 2, staff would not object to deleting the requirement along the west property line, but want the remainder of the open property line to be landscaped.

ATTORNEY MORAN objected to that condition based on the rural nature of the property.

COMMISSIONER SKAAR asked if there would be upgraded landscaping along the north and south borders, would that eliminate parking spaces?

IGNACIO GONZALEZ answered that 22 parking spaces would be lost.

MR. LAPENTA commented that there is landscaping completely around this property. He owns a nursery and likes vegetation. The existing landscaping has been there for many years so it is difficult to comply with the City's exact dimensions.

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SD-8-99 - LARRY LAPENTA

COMMISSIONER GORDON thought that since there were no objections to this request and it is a rural area, he made a motion to approve this request, subject to staff's conditions, except to amend **Condition No. 1 to replace the 15 foot wide landscape planter with a 10 foot landscape planter** with a three foot high berm with 24 inch box trees spaced 20 feet on center, shrubs and ground cover along the east (Thom Boulevard) property line, **Condition No. 2 deleted except for the 24 inch box trees**, **Condition No. 3 as amended by Public Works**, **Condition No. 4 worked out between staff and applicant whereby if there is a sewer running along the front property line the applicant be required to connect to it on Thom Boulevard**, **Condition No. 6 amended to state the Drainage Plan and Technical Drainage Study to be as required according to the Las Vegas Municipal Code**, delete Condition Nos. 8, 9, 15, 16 and 17, and additional condition that a fence be constructed along the south property line.

ATTORNEY MORAN commented that the landscaping will be enhanced only along Thom Boulevard.

This is final action.

(6:40-7:21) 1 - 1235

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ITEM	ACTION
C-19.	
<u>Z-17-99 - ROBERT COHEN ON BEHALF OF AMSTAR HOMES</u>	
Request for a Rezoning on property located east of Durango Drive, approximately 660 feet south of Grand Teton Drive, From: U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation], To: R-PD4 (Residential Planned Development - 4 Units Per Acre), FOR A 187 LOT SINGLE FAMILY SUBDIVISION, Size: 41.86 Acres, Ward 4 (Brown), APNs: 125-16-102-001 and 002; 125-16-103-001 and 002.	Galati - APPROVED, SUBJECT TO STAFF'S CONDITIONS, AND CONDITION NO. 1 AMENDED TO STATE "SUBMITTAL AND APPROVAL OF A REVISED SITE PLAN BY THE PLANNING AND DEVELOPMENT DEPARTMENT THAT CONSOLIDATES THE FOUR POCKET PARKS, REDUCES THE NUMBER OF ACCESS DRIVES TO JO MARCY DRIVE, AND REDUCES THE NUMBER OF LOTS FRONTING ON JO MARCY DRIVE."
<u>NOTICES MAILED:</u> 59	Unanimous (Gordon, Mack and Quinn excused)
<u>APPROVALS:</u> 1	JOEL McCULLOCH, Planning and Development Department, stated this request is for Rezoning from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to R-PD4 (Residential Planned Development - 4 Units Per Acre) for the purpose of developing a 187 lot single family residential subdivision on 41.86 acres.
<u>PROTESTS:</u> 0	Access to the site is provided by one driveway from Durango Drive and seven driveways from Jo Marcy Drive. The site plan divides the subdivision into four distinct pods, each having its own access drives and open space areas. Thirty-four lots front onto Jo Marcy Drive. Lots range in size from a maximum of 7,600 square feet to a minimum of 5,250 square feet. The open space areas range in size from .99 acres to .86 net acres.
<u>STAFF RECOMMENDATION:</u> Approval, subject to:	The Northwest Amendment to the General Plan has designated the subject property as PCD (Planned Community Development). This designation allows densities ranging from two to eight dwelling units per acre. This proposal conforms to that land use designation and is compatible with the existing land uses in the area and those proposed by the General Plan.
1. Submittal and approval of a revised site plan by the Planning and Development Department that consolidates the four pocket parks into two parks, reduces the number of access drives to Jo Marcy Drive to four, and eliminates lots fronting Jo Marcy Drive. The plan shall be in compliance with Title 19A and the City of Las Vegas Urban Design Guidelines and Standards. 2. The Order of Vacation for Vacation Application VAC-20-98 must record prior to the recordation of any Final Maps on this site as required by the Department of Public Works.	This request is consistent and compatible with the surrounding area. The property to the north and east is zoned R-PD4. The parcel south of the subject site is also zoned R-PD4. The property to the west is zoned R-CL (Single Family Compact Lot), with a density of 5.77 dwelling units per acre.

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Z-17-99 - ROBERT COHEN ON BEHALF OF AMSTAR HOMES

3. Construct half-street improvements including appropriate overpaving where legally able on Tule Springs Road (aka old Durango Drive alignment), Jo Marcy Drive, and Cimarron Road adjacent to this site concurrent with development of this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

4. The proposed entry drive from Cimarron Road shall be either aligned with an existing or proposed street alignment to the east, or offset a minimum distance of 220 feet from such, as required by the Department of Public Works. Final intersection offset requirements will be addressed at the time of approval of the Tentative Map.

5. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the recordation of a Final Map for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to final inspection of any units on the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits or the recordation of a Final Map for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way

Although the applicant has met the minimum requirements of the PCD (Planned Community Development) land use district regarding curvilinear streets and open space, staff is requesting a re-design of the subdivision layout that consolidates the four pocket parks into two parks and reduces the number of driveway access points onto Jo Marcy Drive so that it is more consistent with the approved subdivision to the north. In addition, staff notes that the approved development immediately north of the subject site does not have lots fronting onto Jo Marcy Drive. Therefore, the 34 lots of the subject site that front Jo Marcy would be facing a solid block wall. Based on this concern, and to preserve a sense of community within this subdivision, staff is recommending that the project be redesigned to eliminate lots that front Jo Marcy Drive.

Staff recommended approval, subject to the conditions.

RUSSELL SKUSE, VTN Nevada, 2727 South Rainbow Boulevard, appeared and represented the applicant. In regard to Condition No. 1, they would be willing to work with staff on the revised site plan.

BOB GENZER, Planning and Development Department, suggested amending Condition No. 1 by eliminating in the second line "into two parks" and eliminating in the third line "to four." Staff wants to look at how the parks will be designed and reduce the number of access drives to the street.

MR. SKUSE agreed to amending Condition No. 1 as stated by staff. In regard to Condition No. 5, they have submitted a Traffic Impact Analysis and will base their contributions on that study. In Condition No. 7 he felt the traffic considerations would be addressed in the Traffic Impact Study.

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requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith Condition of Approval imposed by the Planning Commission or the City Council on the development of this site.

6. A Homeowner's Association shall be established to maintain all perimeter walls, landscaping, and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

7. The City reserves the right to withhold building permit issuance for any and all lots within this rezoning site if adequate street improvements and/or adequate traffic capacity does not exist on the access corridors leading to this rezoning site. The City also reserves the right to withhold building permit issuance for any and all lots within this Rezoning site if adequate intersection capacity does not exist at the Durango/US95 intersection. These rights shall be exercised based on the circumstances that exist at the time of the developer's request for the issuance of each building permit.

DAVID McINTYRE, Amstar Homes, 4570 South Eastern Avenue, Suite 28, appeared and represented the application. They have conducted a number of focus groups and found four or five specific design criteria that the residents in the northwest would like; such as, a single story neighborhood, parklike setting, utility to some of their lots, configuration that would lend to child safety and quality of life to include the ability to exercise, and choices in size of lots. We put in utility lots outside the community where they would not be accessible to the children. They are on Jo Marcy Drive, which has a 60 foot right-of-way and a block wall. Approximately 40% of the homesites will have a view of the parks. In addition, there are larger knuckle lots. He is willing to work with staff on the conditions. He felt Condition Nos. 1 and 7 should be amended.

RICK SCHRODER, Public Works, said Condition No. 7 is a standard condition imposed on all the developments in this area for about the past two years. The primary way to go south of this development would be to go Durango and US95.

MR. McINTYRE responded that this site will be accessed from Cimarron and then Durango on the south, not to the Interchange.

MR. SCHRODER explained that once the Beltway is constructed in about a year and a half there will not be the option to cross at Centennial, but go to Tenaya and then the Ann Road Interchange.

CHERI EDELMAN, Public Works, requested Condition No. 7 remain as it is currently written. The Traffic Engineer gave the Planning Commission and City Council a report on the Durango Interchange status several months ago and asked that condition be imposed across the board.

MR. GENZER said staff would be willing to work with the applicant in regard to the conditions between this meeting and the City Council meeting.

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8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the recordation of a Final Map for this site, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved Drainage Plan/Study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

9. The final layout of this subdivision shall be determined at the time of approval of the Tentative Map.

10. A Resolution of Intent with a one year time limit.

11. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

VICE CHAIRMAN GALATI wondered about the lots fronting onto Jo Marcy Drive.

MR. GENZER responded that the wording is acceptable in Condition No. 1 in regard to those lots.

CHAIRMAN BUCKLEY declared the Public Hearing open.

LOUISE RUSKAMP, 8500 Log Cabin Way, appeared in favor. This is a project that matches the majority of the adjacent development and does not push the limit for the maximum allowed. Amstar Homes build beautiful houses.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

COMMISSIONER SKAAR commented that the first time she looked at the site plan she was impressed. However, she did look at the houses facing the green space that are on an acre.

CHAIRMAN BUCKLEY added that this proposal looks like the creative, innovative development for a PD type zone.

To be heard by the City Council on 5/10/99.

(10:04-10:24) 3 - 1700

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APPROVED

12. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

13. All City Code requirements and design standards of all City departments must be satisfied.

14. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

15. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

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ACTION

C-20.

Z-19-99 - THUNDERBIRD HOTEL CORPORATION ON BEHALF OF MRA CORPORATION

Request for a Rezoning on property located at 1238 Las Vegas Boulevard South and on the southeast corner of Las Vegas Boulevard South and Park Paseo, From: C-1 (Limited Commercial) and C-2 (General Commercial) Zones, To: C-2 (General Commercial) Zone, PROPOSED USE: A TOURIST ORIENTED DEVELOPMENT, Size: 7.96 Acres, Ward 1 (McDonald) and Ward 3 (Reese), APNs: 162-03-112-012 and 022 through 030 and 033.

NOTICES MAILED: 209

APPROVALS: 2

PROTESTS: 18

STAFF RECOMMENDATION: APPROVAL, subject to the following:

1. This action does not constitute approval of a site development plan. A revised site development plan shall be heard by the Planning Commission and the City Council at a public hearing.
2. Dedicate 10 feet of additional right-of-way (where such does not exist) for a total half-street right-of-way width of 50 feet adjacent to this site for Las Vegas Boulevard South prior to the issuance of any permits as required by the Department of Public Works. Also, revise the site plan to show the previously dedicated portions of Las Vegas Boulevard adjacent to this site.
3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.

Skaar -

DENIED (DUE TO INCOMPATIBILITY OF C-2 {GENERAL COMMERCIAL} ZONING WITH THE RESIDENTIAL PROPERTIES TO THE EAST.)

Unanimous

(Mack and Quinn excused)

NOTE: There was a first motion by Gordon to hold this item in abeyance for 30 days. Motion did not carry with Buckley, Galati, Moran and Skaar voting "No." and Mack and Quinn excused.

ANDREW REED, Planning and Development Department, stated the applicant indicates this property will be developed as a tourist-oriented project. The existing Thunderbird Hotel and other assorted commercial buildings on these sites will be demolished. The applicant has submitted conceptual development plans depicting a tourist-oriented development in the shape of a boat with adjacent accessory structures. The main structure is shown at the southeast corner of Las Vegas Boulevard and Park Paseo and it is accessed by a circular driveway to Las Vegas Boulevard. A parking garage is shown on the west side of Las Vegas Boulevard, connected to the main structure by an overhead bridge. The submitted elevations indicate the boat will be 280 feet high to the top of the stacks, with the main structure being 140 feet in height and containing 15 floor/decks. The current application makes no reference to any proposed gaming within the structure.

The City of Las Vegas Downtown Development Plan designates this site for Tourist Commercial land uses. The proposed Rezoning to C-2 (General Commercial) is in conformance with that designation.

The proposed Rezoning to C-2 (General Commercial) is in conformance with the existing and proposed development in the vicinity of this request and will allow this property to be developed in a manner that is compatible with the tourist-oriented development along Las Vegas Boulevard. Uses permitted as a matter of right in the C-2 (General Commercial) zone include a hotel, new car dealership, hospital, mortuary, post office, special care facility, outdoor recreation facility, wedding chapel, commercial cleaners, and a full service car wash.

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4. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. All new driveways or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

5. A detailed Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall specifically address measures to mitigate the impact of introducing additional vehicular and pedestrian traffic onto Las Vegas Boulevard South, and shall make specific recommendations for such mitigation and this site's participation therein. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact

Because the site plans and elevations submitted as part of this request are conceptual in nature, staff is recommending that a Site Development Plan Review of this site be required prior to any construction.

The City Centre Development Corporation has indicated they would like the applicant to state the anticipated value and whether gaming is contemplated.

Staff recommended approval, subject to the conditions.

ATTORNEY JIM JIMMERSON appeared and represented the applicant. He had a video shown depicting the ship "Titanic."

BOB STUPAK, 910 Rancho Circle, appeared and represented the application. The value of the project may be as high as a 500 million dollars. There are no plans for gaming.

CHAIRMAN BUCKLEY declared the Public Hearing open.

JIM MILLS, 1108 South 6th Street, appeared in protest. He objected to a structure that is 280 feet high a block and a half away from his home. This project will destroy the neighborhood. He was concerned about the additional traffic this project will generate on 5th Place, 6th Street, Park Paseo, etc. This is not compatible with the neighborhood. The neighborhood plans to have a meeting regarding this proposal on April 21st.

COMMISSIONER GORDON explained that the only issue on this application is whether the rear parcel should be zoned C-2, not how appropriate a boat would be for this property.

CHAIRMAN BUCKLEY added that C-2 zoning would permit a more intense zoning like a hotel/casino.

DR. TONI HART, 525 Park Paseo and 1044 South 6th Street, appeared in approval. She pointed out there is a motel, bank, drug store, and several small businesses near her residence. A lot of her area is zoned C-2. This project will enhance Las Vegas Boulevard.

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Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site.

6. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard public right-of-way adjacent to this site prior to occupancy of this site as required by the Department of Public Works. Also, obtain an aerial easement for those portions of the boat and the overhead access bridge which encroach above and across the Las Vegas Boulevard public right-of-way.

7. Landscape and maintain all unimproved right-of-way on Las Vegas Boulevard adjacent to this site as required by the Department of Public Works.

8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways recommended in the approved Drainage Plan/Study. The developer of this site shall be responsible to contribute monies for the construction of neighborhood or local drainage improvements. The amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits,

TERESE ARNTSON, 1324 South 6th Street, appeared in protest. There is already a lot of traffic in her area. It is difficult to get onto Las Vegas Boulevard from Park Paseo. She also objected to a 15-story building so close to her house as it will impede her view.

JOAN GORDON, 1331 South 5th Place, appeared in protest. The height of this project will obliterate her view and increase the traffic in the neighborhood.

KAREN ARNSTON, 807 East Oakey Boulevard, appeared in protest. She felt the applicant does not fulfill his promises. There is already a lot of traffic on Oakey. There are schools with children crossing the streets.

MARY HAUSCH, 1139 South 5th Place, appeared in protest. This will negatively impact her neighborhood. This boat project will be out of place in the area because it will be up against residential neighborhoods. She is a member of a Historical Preservation Committee and they are trying to maintain the integrity of the neighborhood.

KENY STEWART, 1144 South 6th Street, appeared in protest. This neighborhood has a lot of historical history.

JUANITA OSBORNE, 1110 South 5th Place, appeared in protest. Her back yard abuts this property. She doesn't want a ship in her back yard. From her kitchen she would be looking at an iceberg.

HARRY BORUP, 1501 South 5th Place, appeared in protest. He wondered if any residents in the area will be displaced and where the eastern boundary of this property is located. This project will disturb the tranquillity of the area. This is an historical area.

GEORGE ARNTSON, 1324 South 6th Street, appeared in protest. The traffic is horrendous already. There are problems with sewer and water. He was fearful that sightseeing helicopters will be flying over his neighborhood to see this boat. The applicant's property that he has owned in the neighborhood for many years is an eyesore.

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whichever may occur first. In lieu of monetary contributions, in whole or in part, the developer may agree to construct such drainage facility improvements as are recommended by the approved Drainage Plan/Study concurrent with development of this site if allowed by the Planning Engineer.

9. A Resolution of Intent.

10. All City Code requirements and design standards of all City departments must be satisfied.

11. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.

12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

13. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

14. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

NANCY WILLIAMS BAKER, owner of property in the area, appeared in favor because she felt finally something is being done for this area. She thought the City is encouraging hi-rise development in this area. This whole area needs to be cleaned up and improved.

CHAIRMAN BUCKLEY declared the Public Hearing closed.

ATTORNEY JIM JIMMERSON appeared in rebuttal. They are not displacing anyone. Looking at Las Vegas Boulevard in this area, it is apparent it needs change.

COMMISSIONER GORDON pointed out that most of the frontage along Las Vegas Boulevard is zoned C-2. The east end of this property, running north and south, is C-1. The issue on this agenda is not whether the applicant's property should have the appearance of a boat. The applicant will have to go through a design review as far as the aesthetics of the property. The property directly north is zoned C-2. The houses to the east are quite nice. He felt the zoning should remain C-1 on this parcel.

VICE CHAIRMAN GALATI also felt C-2 is not appropriate against the R-1.

BOB STUPAK explained that when he made his application he just wanted an Aesthetic Review on a tourist-oriented attraction. There are many undesirable and criminal activities going on in this portion of Las Vegas Boulevard. This could eliminate those activities and be a gateway to the downtown. That whole area needs to be cleaned up.

ATTORNEY JIMMERSON explained that he would like to have the Aesthetic Review heard in two weeks and have approval of the C-2 zoning.

MR. GENZER, Planning and Development Department, responded that when this application was accepted by staff, the applicant thought it would include an Aesthetic Review. When staff reviewed the documents that were submitted, it was felt they could not make a recommendation because there was insufficient detail. Therefore, staff felt the aesthetic portion of the application should not be considered at this meeting. Staff needs to know the details of the floor plans, parking, landscaping, etc.

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COMMISSIONER SKAAR thought that if this had been an Aesthetic Review for this project the Residential Adjacency Standards would show it was approximately 700 feet away from the houses. She read from Title 19A, Commercial Districts, which stated that a dense project should be located away from low and medium-low densities and may be used as a buffer between retail and industrial uses. The Land Use Tables state there are many other uses allowed in the C-2 districts. She did not feel the other C-2 uses would be appropriate on this property.

CHAIRMAN BUCKLEY felt it was commendable of the neighbors to be concerned about their area. Perhaps the neighbors should work with the City as to what personality they want in this area.

COMMISSIONER GORDON asked if this property and the houses to the east are in the redevelopment area.

MR. GENZER answered that Las Vegas Boulevard is in the redevelopment area, but not the homes to the east.

ATTORNEY JIMMERSON suggested continuing this so the site development plan could also be reviewed, since the Planning Commission feels it does not have sufficient information to make a decision.

CHAIRMAN BUCKLEY felt the applicant needs to work with staff on the site development before it is heard by the Planning Commission. If it is held it should be held for a month.

VICE CHAIRMAN GALATI didn't feel 30 days is enough time to review such a large project.

CHAIRMAN BUCKLEY thought that perhaps a decision should be made as to whether such a large project should go on this property.

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MR. STUPAK thought perhaps this project could be put on the west side of Las Vegas Boulevard instead of the east side.

CHRIS KNIGHT, Planning and Development Department, clarified that the redevelopment area would coincide with the eastern boundary and the southern boundary of this property.

COMMISSIONER GORDON made a motion to continue this request for 60 days.

MR. STUPAK said he would only agree to a 30-day abeyance.

DOUG POWELL, Planning and Development Department, said in addition to the zoning there would need to be a Site Development Plan Review with a lot of details.

MR. STUPAK thought most of the details had been done. Initially he just wanted an Aesthetic Review to find out if the general idea is satisfactory.

COMMISSIONER GORDON revised his motion to 30 days. (Motion did not carry with Buckley, Galati, Moran and Skaar voting "No" and Mack and Quinn excused.)

COMMISSIONER SKAAR then made a motion for denial because this is not appropriate next to R-1 zoning. (Motion for denial carried unanimously with Mack and Quinn excused.)

To be heard by the City Council on 5/10/99.

(7:21-8:16) 3 - 3000

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ITEM	ACTION
C-21. <u>TA-2-99</u> Discussion and possible recommendation to amend Title 19A.040.010 Table 2 Use Tables to allow tattoo parlors by right in the C-M (Commercial/Industrial) and M (Industrial) Zoning Districts; and to require the approval of a Special Use Permit for a tattoo parlor proposed to be located in a C-2 (General Commercial) Zoning District; and to Amend Title 19A.20.020 to add a definition of tattoo parlor. <u>STAFF RECOMMENDATION:</u> APPROVAL.	Galati - APPROVED AS PROPOSED BY STAFF. Unanimous (Gordon, Mack and Quinn excused) ANDREW REED, Planning and Development Department, stated tattoo parlors/body piercing studios currently operate in the City of Las Vegas by obtaining a business license issued by the Business Licensing Division of the City of Las Vegas. Because this use is not currently defined, it is considered as a General Personal Service use, and as such is allowed in the C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/Industrial) and M (Industrial) Zoning Districts as a matter of right. Approval of this request will establish tattoo parlors/body piercing studios as a defined use. A review of the proposed definition has led staff to recognize the unique nature of this use and determine its appropriate locations. Staff has reviewed this issue with other government entities. The Planning Departments of Henderson and Clark County indicate this use is permitted in Highway Frontage areas or Industrial zoned properties upon approval of a Special Use Permit. Staff has compiled a list of the tattoo parlors currently licensed in the City of Las Vegas. If this Text Amendment is approved by the City Council, they will be defined as a legal non-conforming use. Those located in the P-R, C-1 or P-D district will not be allowed to expand. Those in the C-2 district could expand only after approval of a Special Use Permit. Staff recommended approval. CHAIRMAN BUCKLEY declared the Public Hearing open. There was no one present in opposition. CHAIRMAN BUCKLEY declared the Public Hearing closed. THIS ITEM WILL BE FORWARDED TO CITY COUNCIL AS A NEW BILL (ORDINANCE) (10:24-10:27) 3 - 2710

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D.	<u>DIRECTOR'S BUSINESS:</u>
D-1.	<u>DB-3-99</u> Discussion of procedures relating to special review areas. TAMBRI HEYDEN, Planning and Development Department, stated this item has been placed on the agenda to discuss the special notification areas in which staff solicits reviews from outside agencies because this issue has come up over the past few months. At the present time, there is no definitive directive. Staff presented the Commissioners with a list of the following questions: 1) Are there other areas that should be part of a special notification area? 2) Does the Planning Commission desire to have all applications reviewed by, and comments received back from the outside agencies prior to staff's acceptance of the application, or can the review take place between the time of acceptance and the Planning Commission meeting? 3) Which comments does the Commission need to have at the meeting? Is it sufficient for staff to report on the comments received, or do the Commissioners need copies of the letters? 4) Some comments are simple, one-line replies- "Objection/No objection", with no reasons given. Are more substantial comments required? She asked the Planning Commission for their consensus on those questions. The City Centre Development Center, Historical Preservation Commission, Peccole Ranch Homeowners Association, West Las Vegas Neighborhood Board, and Redevelopment Area are the present notification areas. CHAIRMAN BUCKLEY suggested the Medical District and Tech Center be a part of the special notification area. ANDREW REED, Planning and Development Department, explained that in the Medical District there is no one to notify because there is no specific board.

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DB-3-99

COMMISSIONER SKAAR thought that in regard to Question No. 1, there should be a board in the Medical District for reviewing applications coming before the City. In regard to the Tech Center, the Planning Commission would be looking for a response from their Design Review Committee involving the applications before the Planning Commission. The Planning Commission would like to receive that information. Another group is in the northwest whereby there are homeowners associations to maintain the walls, landscaping, etc. in their development. They should be notified so they can give input into projects being proposed in their area where there could be a conflict.

MS. HEYDEN then asked for the Commissioners input pertaining to Question No. 2. That could be done by making a recommendation to abey an item if staff has not received a letter by the day of the meeting.

DOUG POWELL, Planning and Development Department, said staff routinely routes the applications to the appropriate agencies.

MS. HEYDEN said that is being done but it is not consistent. Staff routinely routes to the CCDC, Historical Preservation Board and Redevelopment Area. At the pre-application meetings, staff indicates to the applicant they would have to obtain appropriate documents from any other agencies. Those documents have to be turned in by the time of the Planning Commission meetings. She wanted to know if the Commissioners would like to have those documents from the agencies in their packets, not just summarized by staff.

VICE CHAIRMAN GALATI replied that he would like those documents in the black binder that is provided to the Commissioners the day of the meeting.

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COMMISSIONER SKAAR also thought that copies of the letters from the agencies should be included in the binders the day of the meeting, if not sooner. Perhaps the applicant could be made aware of the fact that the Planning Commission has given staff a directive to obtain any letters stating they have been before a board or design group and if those letters are not in their packet at the meeting their item will be held in abeyance.

MS. HEYDEN said that is not a code requirement, but a notice could be put in the applicant's packet that is given to them at the time they file their application that they need to present those letters to staff as soon as possible.

COMMISSIONER MORAN asked how the comments from the small homeowner groups would be received.

CHRIS KNIGHT, Planning and Development Department, said Planning and Development and Neighborhood Services have a method by which they identify legitimate homeowner or neighborhood associations. In that listing there is a contact person. Those associations are registered with the City.

DOUG POWELL said the special review areas are just the groups or entities that plans are routinely routed to, not all the homeowner associations. It would be too time intensive and confusing to have the homeowner associations submit letters and applications be held in abeyance.

COMMISSIONER SKAAR thought that in the future, especially in the northwest, where there is a Condition of Approval for the rezoning, that a homeowners association should be formed to maintain their premises. If the adjacent property would be developed in the future, the design of the existing wall, etc., could be jeopardized. There should be a letter from the homeowners association indicating they are in agreement with what the developer is planning on the adjacent property.

COMMISSIONER MORAN thought the Medical District should be included in the reviews. Perhaps Councilman Michael McDonald would be able to assist because it is his Ward.

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DB-3-99

CHRIS KNIGHT, Planning and Development Department, thought there were about 14 individuals who were used as a sounding board in the development of the Medical District Plan. Councilman McDonald is aware of who served on that Board. It would be appropriate through the Councilman's Office and his liaison to reinitiate that to see if there is an interest in forming a Board.

COMMISSIONER MORAN wondered how just the zone change could be looked at for a project which has been done in other parts of the valley unsuccessfully. That type of project should be looked at beyond just the zoning.

DEPUTY CITY ATTORNEY GEORGE responded that the law provides that can be done. The specific use and associated impacts of that use and design and structure can be looked at.

CHAIRMAN BUCKLEY asked how that could be done if everything is done as required by the City and then the building is not completed.

COMMISSIONER SKAAR said sometimes the developer is required to bond for the structure if it was abandoned for a period of so many months.

DEPUTY CITY ATTORNEY GEORGE noted there are legal avenues the City can pursue for that type of situation. This is just about items that appeared before the Planning Commission. When there is a rezoning application, the use can also be reviewed.

VICE CHAIRMAN GALATI thought it would be nice if any letters were included in the Commissioners packets even if there was not a formal review.

CHERI EDELMAN, Public Works, cautioned that she does not want the organizations to hold the applicants hostage by not providing a letter. Sometimes those organizations are slow in sending letters.

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E.

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

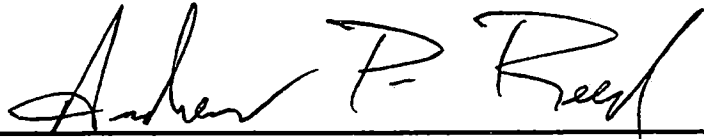
There was no one present to speak under this portion of the agenda.

DEPUTY CITY ATTORNEY GEORGE stressed that it is important to have five Planning Commission members present at the General Plan Amendment Quarterly Meeting on April 15, 1999. CHAIRMAN BUCKLEY did not think COMMISSIONER QUINN and himself would be attending that meeting.

ADJOURNMENT:

There being no further business to come before the City Planning Commission, the meeting adjourned at 10:56 P.M.

PLANNING AND DEVELOPMENT DEPARTMENT



ANDREW REED, SENIOR PLANNER

/lo

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VERBATIM TRANSCRIPT - ITEM C-18: SD-8-99 - LARRY LaPENTA

CHAIRMAN BUCKLEY

The first item we're going to take out of order is Item C-18 - SD-8-99 - Larry Lapenta - Request for a Site Development Plan Review on property located at 3369 Thom Boulevard for a proposed 5,682 square foot addition to an existing 2,583 square foot building, C-2 (General Commercial) Zone, Size: 2.71 Acres, Ward 4 (Brown). Commissioner Moran?

COMMISSIONER MORAN

I will be abstaining from this item because John Moran is handling it for the client.

COMMISSIONER BUCKLEY

Thank you. Staff?

ANDY REED, PLANNING AND
DEVELOPMENT DEPARTMENT

Good evening, Commissioners. Andy Reed, Current Planning Division. This site is currently developed with existing tavern and dance hall. The applicant proposes to construct an addition to the north side of the existing building. The addition will house a restaurant, dance floor and bar area, kitchen and storage. Access to this site is provided by two 25-foot wide drives at Thom Boulevard. Landscaping is provided in a 10-foot wide area along the street frontage and within planters in the west portion of the parking lot.

On April 6th, the Board of Zoning Adjustment approved a Variance to allow the expansion of this legal, non-conforming use. Based on this approval, staff has no objection to this request. Staff's - in addition, staff had concerns with the site plan. The submitted site plan does not comply with the landscape requirements of the Urban Design Guidelines and Standards which require a minimum of 15-foot wide planters along the street frontage of Thom Boulevard, as well as 8-foot wide planters along the northwest and south property lines. It has been staff's policy to recommend compliance with the Guidelines and Standards whenever substantial new construction is proposed. Staff has no basis to recommend approval of a waiver of the landscaping requirements. Staff's recommendation is for approval, subject to the seventeen conditions as written, which include Condition 1 requiring a 15-foot wide planter along the street frontage and Condition 2 requiring 8-foot wide planters along the north, south and west property lines.

93 notices were mailed. We have no approvals and one protest.

CHAIRMAN BUCKLEY

Thank you, Andy. Mr. Moran, good evening.

ATTORNEY JOHN MORAN, JR.

Good evening, Mr. Chairman, Commissioners. John Moran, Jr., for the record, appearing on behalf of the applicant. With me is the applicant, Larry LaPenta. Also, next to him is

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Mike Malone, General Manager for Larry's Hideaway; and next to him is Ignacio Gonzales who is the architect on the project.

I appreciate being called out of order due to having to get to another location quickly. I'm going to be very brief. The very first thing I wanted to show you, if I may, is just some photographs of the area. And, basically speaking, I don't know if you can pick these up, but, in any event, this is what the area looks like now. Mr. LaPenta's been there in this location since 1963 and he has continuously operated his business there in this area. He was one of the pioneers in that area and I don't think back in 1963, as I remember in that area, there was too much going on out there and he was one of the founders of that area in essence.

As you can see here, you can see the photographs depicting the structure that's there. You can see, also, the surrounding area here which is adjacent to here. What Mr. LaPenta is trying to do by this application which, as Mr. Reed pointed out, was approved on April 6th, a few days ago, for the Variance, is he's trying to rehabilitate the property and improve the property, put money back into the property and bring it from the 1963 status for his customers up to what's happening today in the area and make it a fine establishment for his patrons, as well as not impact adversely his neighbors.

Having shown you these photographs, let us quickly move to a couple of items. I'd like to show you the next item which, I think, kind of tells the tale is, in fact, a plot plan and a landscaping plan. I think this is important to keep in mind here the two different colors. This is the existing structure that is still remaining today and has been operated continuously since, basically, 1963. This pink part back here is not only the new addition, but I'd like to point out is on top of the demolished addition. One might think that this is all new expansion area. Although it is an expansion area, the structure that was torn down that was part of this still built and up and running structure was within the confines of this point here. So, the part that was taken down was basically right in here. The only new part that is being expanded, if you will, is basically everything right here in this area, everything right here in this area and this little, tiny piece right there. Those three little areas, right here, here and here are really the only places that there is new construction where there previously wasn't construction before.

And, if you would like to know, this little area here that is being added on to is basically updating the kitchen, making it nicer for the people that want to just come there like they

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have for many years and have dinner. This is improving the bathrooms back in here and a little part of this is basically where the dance floor has been and is going to continue to be. So, we don't have a total expansion like this. What we have is basically an expansion, just very small.

I'd like to next point out that I have 187 names on a petition in support of this that I'd ask Linda to place into the record. These are the same names of the people that I submitted at the BZA meeting on the 6th when this was approved. Those 187 people not only stand for the proposition that they're approving what was approved unanimously by the Board of Zoning Adjustment on this project, but also stands for the proposition that they're supporting and endorsing this Site Development Plan.

In addition to those signatures, I have a letter that is from the Northwest Area Residents Association and basically I just want to read a portion of it because I think it kind of tells a story. This Association represents in excess of 800 and something homeowners in the area that surround Larry's Hideaway and they say, Dear Planning Commissioners, I'm writing to you on behalf of the Northwest Area Residents Association, Inc., (NARA), in support of Larry's Hideaway application for a Variance. Having seen their Site Development Plan at our meeting on April 6th, 1999, we approve and feel Larry's plan will enhance the immediate area without compromising the rural nature of the neighborhood at large. Their continued efforts to improve and upgrade their facilities reflect on the commitment they have made to the community. Larry's is a part of history of this area, having located there before many of the current residents. This establishment has put down roots and developed a personality, the kind of place that cannot be recreated by corporate America. We cherish our rural heritage and believe that Larry's country theme is in keeping with this heritage. They are -- they go on to say that we have confidence and we stand behind Larry and his -- and his business here and they support it. And I'd like to have that placed in the record as well.

And I think what that highlights is the fact that this is a rural area and -- and having been a -- having been a rural area for a long period of time, we are trying to rehabilitate the property so that it maintains its rural nature, both in design, concept, as well as in its landscaping themes.

One might ask about parking. There currently is 67 parking spaces for this facility. The parking at this was approved by yourselves would go from that to 112 -- 112 spaces are required by City Code. 112 spaces are provided.

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Lastly, I believe, what I'd like to say is that I've been furnished a copy of the conditions that staff, Planning staff, has recommended and I've talked to some of the staff members about some of these. If, in fact, we were to comply and, and receive approval subject to these seventeen conditions, it would basically eradicate the project. Even if you gave us approval, we couldn't go forward. The conditions that are imposed would destroy the rural theme, the western theme of this project and, basically, we would have a very hollowed approval because we wouldn't be able to build and maintain what we've done in the past on this location.

Quickly let me – let me tell you about some of those seventeen conditions that we do not agree with. Although there are some that we do, I'll be very quickly going through this.

Number one is provide a minimum 15-foot wide landscape planter with a 3-foot berm. Well, we already have an existing 10-foot, okay, landscaping theme that goes here.

COMMISSIONER GORDON

Excuse me, Mr. Moran. Are you just going to go through the ones that you don't approve with rather than tell us what you do.

ATTORNEY JOHN MORAN, JR.

That would – if that would be easier I would be --

COMMISSIONER GORDON

In the interest of time that would be easier.

ATTORNEY JOHN MORAN, JR.

Sure, I'd be more than happy to do that. We agree with Condition No. 3. We agree with Condition No. 7. We agree with Condition No. 10. We agree with Condition No. 11, 12, 13 and 14. Those are the conditions that we agree with.

CHAIRMAN BUCKLEY

Brings us back to Number 1.

ATTORNEY JOHN MORAN, JR.

As to Number 1, if I may, if you'd like to hear why we don't agree with some of these and why it'd destroy the theme, Number 1 can't be complied with. We already have an existing 10-foot landscape buffer. Let's keep in mind, this place has been existing since 1963. This is not a tear down, add a new building. Okay, this is a remodel, add a very small square footage on each side of this existing structure, partially having been torn down. Number 1 can't be done. We have an existing 10-feet there. If we were to do more than that, we'd have to take out our handicapped parking and some of our spaces. There's no sidewalks in the area, obviously.

Number 2, we can't do Number 2. On the north side of the

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property there's existing trees and shrubs. On the south side of the property there's an existing building, so I would have to tear down the building that exists there, that we don't want to tear down, to put in landscaping here. That'd be impossible. As for the west property line, right over in here, this is vacant property that has been maintained rurally since the beginning. These are – this is grass, a half acre of grass open space. Okay, we think that if that has been good enough since 1963, it doesn't make much sense to take out the grass park-like nature there and - and try to now landscape it again. I – that's what we have a problem with with that one.

Number 3 is okay, like I said.

Number 4. We are on a septic tank in this location and it has been approved by the Health District in the last 90 days. There's no sewage system in this area here that we would hook on to, to require us to construct a public sewer and bring service to this site would be absolutely impossible. We wouldn't have anything to hook on with.

COMMISSIONER GORDON

Are you saying there's no sewer in Thom? Or what's the – Thom?

ATTORNEY JOHN MORAN, JR.

There's no sewer in this area and we've been approved for a septic tank here, which we've used since '63 and the Health Department has come out, looked at it and says it's fine; so --

COMMISSIONER GORDON

No, no, my question was, is there a sewer in Thom Boulevard?

ATTORNEY JOHN MORAN, JR.

Where is the sewer line at, Ignacio?

COMMISSIONER GORDON

No, it's not --

CHERI EDELMAN, PUBLIC WORKS

Yes there is. I've got a map here. What I'd like to do is go ahead and keep that condition in and talk to the City Sanitation Planning Engineer before this goes before Council and resolve this issue because I don't know if the applicant has been made aware of this situation. Once there is sewer within a certain distance of their site, they're required to tie in to City sewer, so --

ATTORNEY JOHN MORAN, JR.

Where's the closest point of sewer on that?

CHERI EDELMAN, PUBLIC WORKS

I'm showing it at 325 feet, but again I'd like to get with the – the Sewer Engineer and make sure that this is correct.

CHAIRMAN BUCKLEY

Why – why don't you go, keep going, John.

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ATTORNEY JOHN MORAN, JR.

Okay, as – as to, as to Number 5, contribute \$4,000 for a neighborhood traffic mitigation prior to the issuance of a building permit, I think that's a rip-off. Okay? Quite frankly, to be, you know, as frank as I can possibly be, you know, we'll do whatever people in the area do. If they go with some kind of traffic signalization, we'll certainly pay our share. I don't know of any that's contemplated in this area. I know that there's a lot of horses out in this area and other things like that, but I imagine if there's going to be some traffic control devices that are going to be adjacent to this facility, we'd be more than happy to do that. But for us to post up \$4,000 as a condition to getting approval on a Site Development Plan that everybody in the area likes, I – I can't see it.

A Drainage Plan, a Technical Drainage Study, for this kind of remodel, I think that's outrageous. I don't think that this kind of an operation that has been there since '63 merits having to go through a Traffic Drainage Study and – and a Drainage Plan.

As for Number 7, I don't have any problem with 7.

Number 8, landscaping and permanent underground sprinkler system. Well, we already have landscaping and we already have – we already have sprinkler systems that are satisfactory and have worked since '63 so I don't know why we'd have to put in something new now. A Landscaping Plan, this is it.

Okay, Number 10, mechanical equipment, air condition, all that, that's okay with us.

11, meet all City Code requirements, design standards --

COMMISSIONER GORDON

You've already – you already told us what's okay with those.

ATTORNEY JOHN MORAN, JR.

Fine. Okay, 15 - a fully functional, operational fire protection system. We'll sprinkle whatever part we're expanding. And that's basically it and make sure that we meet Code on that.

16, where new fire water – where new water mains are extended along streets and fire hydrants are not needed for protection, that's absolutely no. We're not going to space hydrants a maximum of a thousand feet to provide for transportation hazards. That's ludicrous.

Number 17, provide plan share and accessible exterior routes for public transportation stops, accessible parking, passenger lane. This is a rural area. Okay, there aren't any bus stops out here that I am aware of.

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CHAIRMAN BUCKLEY I think that's a standard condition.

ATTORNEY JOHN MORAN, JR. If, in fact, you put some buses out there, then we'll show how we're going to get to them. How's that?

That's basically it in a nutshell. I – I don't know what else we can do, but if you would impose these conditions that we have objected to, you know, we might as well tell Mr. LaPenta that, you know, since 1963 everything's for naught because he wants to improve his property.

CHAIRMAN BUCKLEY What – what is the actual square foot of the addition?

ATTORNEY JOHN MORAN, JR. The actual square foot of the addition – Why don't you tell them that, Ignacio?

IGNACIO GONZALES Sure.

ATTORNEY JOHN MORAN, JR. You did the numbers on that. And that's the addition that does not include what was demolished. Correct? Just the -

IGNACIO GONZALES Well, it does or it doesn't? Well, I'll tell you both.

ATTORNEY JOHN MORAN, JR. Give both figures.

IGNACIO GONZALES Okay. This overall area is 5600 square feet, okay, of which the actual addition portion of this is 1,900 square feet.

ATTORNEY JOHN MORAN, JR. Thank you.

CHAIRMAN BUCKLEY Let's see if there's anybody here that would like to comment. This is a Public Hearing.

ATTORNEY JOHN MORAN, JR. One last thing. In honoring my promise to the two people that came to BZA and did not speak. We talked to them. What they would like to have, they asked me to put in some kind of a wall separation here because this is a vacant lot not owned by Mr. LaPenta. We've told them that we would put in a pole and chain configuration. I told Mr. Genzer tonight we would even erect some type of a wood fence along here in conforming and keeping our promise with the lady who's across the street, who did not protest it. We also told her that we would put landscaping here, more than what we have now. That's what we agreed to and I – we would stand by that, to landscape, put more landscaping in the front of this. Thank you.

CHAIRMAN BUCKLEY Thank you. The – this has been advertised as a Public Hearing. Is there anybody that wishes to speak on Item C-18? And I see no one. The Public Hearing's closed.

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Commissioners?

VICE CHAIRMAN GALATI

Mr. Chairman, I have a couple questions. The first one is on Condition No. 1. Your – Mr. Moran, you --

ATTORNEY JOHN MORAN, JR.

Yes, sir.

VICE CHAIRMAN GALATI

You say that your – you don't have a problem with the 10-foot landscape along there because that's what you have, but what about the rest of the condition in terms of the 24-inch box trees 20-feet on center?

ATTORNEY JOHN MORAN, JR.

That would be fine, Commissioner.

VICE CHAIRMAN GALATI

That would be okay. It's the depth of the --

ATTORNEY JOHN MORAN, JR.

Yes, it would be the depth because then it would cut in and we'd lose parking spots here which we don't want to lose, plus we want to put in a lot more landscaping out in front and to do that we don't want to get pushed out here into where the sidewalk, if there was one, might be some day.

CHAIRMAN BUCKLEY

Let me just point out to the Commissioners by the way that I'm told this is Final Action, so this is not going to City Council. Okay?

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

Commissioners, we have no objection to that amendment for Condition Number 1.

VICE CHAIRMAN GALATI

Okay. Is there -- is there a berm in there now?

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

No.

CHAIRMAN BUCKLEY

No, it's not.

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

The landscaping that is there at present is very limited and comes nowhere close to meeting our standards, so we would expect that landscaping to be significantly increased into a -- into a proper 10-foot planter with a berm.

VICE CHAIRMAN GALATI

Okay. Condition No. 15, just clarification from Public Works. This is not sprinkling the building, per se. That's -- this is --

CHERI EDELMAN, PUBLIC WORKS

This is fire --

VICE CHAIRMAN GALATI

This is a condition for fire protection and fire hydrants. Is that right?

CHERI EDELMAN, PUBLIC WORKS

Actually, this is a Fire Services condition. It's not Public

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DEPARTMENT	Works condition, so I can't answer that.
VICE CHAIRMAN GALATI	Okay. But my understanding with these conditions is that it's not the --
CHERI EDELMAN, PUBLIC WORKS	Fifteen --
VICE CHAIRMAN GALATI	If it's not -- the Building Code would govern whether you needed to sprinkle the building or not, not this condition.
ROBERT GENZER, PLANNING AND DEVELOPMENT DEPARTMENT	Conditions -- conditions, all the conditions beginning with Number 8 are standard conditions that are applied to all projects of this type, so we would not agree to waiving any of those conditions.
ATTORNEY JOHN MORAN, JR.	And again, just for purposes of clarity, this is a remodel and we do not have any problems with Conditions 10, 11, 12, 13, 14 and after that, we have some problems.
CHAIRMAN BUCKLEY	We -- we've got your list.
COMMISSIONER GORDON	Mr. Chairman.
CHAIRMAN BUCKLEY	Commissioner Gordon.
COMMISSIONER GORDON	I have a question on Item 3.
CHERI EDELMAN, PUBLIC WORKS	Actually, Item 3 I was going to ask it to be revised, but Commissioner --
COMMISSIONER GORDON	I just have one concern there and it should be one that we, every time this issue comes up we should be sensitive to. Does the applicant have a mortgage on the property?
ATTORNEY JOHN MORAN, JR.	Not that I'm aware of. There's no mortgage there on your property?
LARRY LaPENTA	No, no.
ATTORNEY JOHN MORAN, JR.	And, and, Commissioner Gordon, you brought up a very interesting thing. We -- we don't really have a problem with Number 3 because we signed one of those in 1992 already.
COMMISSIONER GORDON	Okay, I was only going to bring out that in the -- in the future on similar type situations for the staff, if there is a mortgage we want the holder of the mortgage to subordinate to this covenant.
CHAIRMAN BUCKLEY	Good point.
COMMISSIONER GORDON	For the obvious reason is we don't it to be wiped out through a foreclosure.

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CHAIRMAN BUCKLEY

Commissioner Skaar, any comments?

COMMISSIONER SKAAR

Okay, yeah, I was just going to address a couple of things. First of all, just for your information, Items 15, 16 and 17, those last three, my guess is none of them will really apply to this property as far as an expenditure just because it's been there for so long. But, like I said, there are standard things that are required if they are applicable to any development that might happen at some point in the future and that's why we want to keep them on there.

And as far as Item No. 4 – I'm sorry, 5, is concerned, again that's pretty standard and even though the amount of true addition is very small, generally speaking, we do not allow that to be waived because there may become a time within a few years when there would be a need for a stop light at Donny or something like that, and that's just – this is the only way the City has to get that money.

ATTORNEY JOHN MORAN, JR.

The – the only thing on that is, and I understand that, because I represent enough real large projects and I understand that. But on a project where you're adding a thousand square feet to somebody's been there since 1963 and there's no current need for a traffic signal, why in the world would the City require that person, that businessman, who's invested in that location, who's been there for a long time, to have to put up \$4,000 when there's no foreseeable signals or other things in that area that are going to affect him? I mean, I don't see it. I don't think \$4,000 is something that Mr. LaPenta is going to have a problem with, but I have a problem with it as his Attorney because I don't think that the City should require that on something this size when there isn't anything on the books to – saying that there's going to be a signal. When the signal comes, we'll state on the record today, if there's going to be a signal around this area that's going to affect his property, we want to make sure our patrons get in and out safely. But for us to have to pony up \$4,000 on a non-existent signal, one that's not even contemplated or something else in this rural area, it doesn't make sense to me, but maybe that's just the way I – I'm looking at it.

COMMISSIONER GORDON

Mr. Chairman?

CHAIRMAN BUCKLEY

Sure.

COMMISSIONER GORDON

Could – could I ask you to help me? You've been talking about a 1500 foot addition, yet this says for a proposed 5682 square foot addition. So, which is right?

ATTORNEY JOHN MORAN, JR.

Mine.

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CHAIRMAN BUCKLEY 1900. It's 1900 addition.

ATTORNEY JOHN MORAN, JR. Well, let me, let me take you that – Commissioner Gordon, we can do this one more time on that.

CHAIRMAN BUCKLEY Let's get a comment from Public Works. Do you understand that? They're -- Part of the addition is what was already there.

COMMISSIONER GORDON Well, then it's not worded correctly.

CHAIRMAN BUCKLEY Right, right. I think the description is misleading. Cheri, did you have something to add?

CHERI EDELMAN, PUBLIC WORKS Yeah, I just wanted to talk about that \$4,000. That's based on a \$1500 per acre charge that we have consistently across the board done on all projects, both new and remodels, and the reason being is that this site was done in 1963. That was not a policy that was in place at that time so they never have paid any kind of a traffic contribution monies. And it's also not just for signals, but it could be for median island, modifications, any kind of parking mitigations that might be required out in the area; any kind of traffic related issues.

As far as the Drainage Study, I'd also like to talk about that right now and I believe this area is in a flood area along Rancho and we would definitely want that. It's anything over two acres requires a Drainage Study. And again it wasn't looked at to the same City Codes that are now in place. We would want to make sure that their – their area of expansion conforms to that Code.

As far as the sewer alignment, again this is not something that goes before City Council. It is something that the Sanitary Engineer has worked out and what we could possibly do is add some language to allow it to be administratively waived if the Engineer agrees that this is something that can be worked out, or if the Health District will allow the septic tank to continue.

ATTORNEY JOHN MORAN, JR. They've already approved it.

CHAIRMAN BUCKLEY Okay. My – this comment I'd like to make is that I think this is a rural area. I think it's – it's – and so, you know, to the extent that some of these, I don't know which one of these normal conditions would require over-improving the property, I think the staff ought to be sensitive to, I mean, it should stay a rural area, I think. And the other comment I have is that, you know, too often you think of a neighborhood it's – it's just homes and, you know,

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neighborhoods are other businesses and so I think that it's kind of neat that it's, you know, this is an area where people gather in that area, in that neighborhood, and consider it part of their neighborhood.

I think we're ready for a motion if somebody would like to fashion something.

CHERI EDELMAN, PUBLIC WORKS

I would like to ask that we can -- that we change Condition No. 3. I know that was one of the ones the applicant agreed to, but the wording is not quite right. And I'd just like to say prior to the issuance of any permits, they should sign and record a Covenant Running With the Land and then also delete the last sentence.

CHAIRMAN BUCKLEY

And I guess you would say that if there's one already there, then that would be unnecessary.

CHERI EDELMAN, PUBLIC WORKS

Well, we've got one from 1992, but we like to update them when they -- the applicant comes in for new additions and things so that we make sure that it's covered and again that --

ATTORNEY JOHN MORAN, JR.

This is the exact same one they did in '92.

CHERI EDELMAN, PUBLIC WORKS

That's fine then, if you want to --

CHAIRMAN BUCKLEY

Well, let Commissioner who makes the motion put something together.

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

If I may, I'd also comment on No. -- Condition No. 2 since I didn't have a chance to do that. I was out there this morning to take a look at this site. We would have no objection to deleting the requirement along the west property line from that condition. We believe that the condition should be retained in terms of the north and south and we are not asking the applicant to put landscaping adjacent to the south edge of the existing building. That would be ludicrous and we have no intention of doing that. But the remainder of the property line that is open area should be landscaped per our Code.

ATTORNEY JOHN MORAN, JR.

We would ask for that to be waived based on the rural nature of this and the fact that this is all vacant land along here. Who are we landscaping it for?

CHAIRMAN BUCKLEY

Commissioners, if you can fathom your way through the conditions?

COMMISSIONER SKAAR

I would like, if I could, please, to first ask a question of staff.

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VERBATIM TRANSCRIPT - ITEM C-18: SD-8-99 – LARRY LaPENTA

If we were to require the upgraded landscaping along the north and south borders, is that going to put us in a position where we'd be losing parking spaces and then they'd have to come back for a Variance on parking?

ATTORNEY JOHN MORAN, JR.

That's correct.

IGNACIO GONZALES

Let me address that. We'd be losing 22 parking spaces by doing that because the dimension here is such because of the position of the building that the parking stalls would not fit.

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

We believe that is correct that that possibility does exist.

COMMISSIONER GORDON

But I disagree with you. Mr. Chairman?

CHAIRMAN BUCKLEY

Mr. -- Commissioner Gordon.

COMMISSIONER GORDON

If you're talking about losing the parking spaces along the southerly line, that you'd lose 22. Is that what you're talking about?

IGNACIO GONZALES

No, the north.

COMMISSIONER GORDON

So -- I can't tell 'cause this is so small. The area between the backup area, what is that dimension?

IGNACIO GONZALES

Well, these are standard City requirements.

COMMISSIONER GORDON

Well, 24 feet is standard, is it not?

IGNACIO GONZALES

Yeah, so that's what you have as far as the aisle is concerned.

COMMISSIONER GORDON

You have a minimum of 24 feet from the back, that little island at the northwest corner of the building. Is that what you're saying? To the back of the parking space?

IGNACIO GONZALES

Yes, right here it gets very tight because of the arc of the property so here you have your parking stall, your driving aisle. Again we're talking about minimum requirements, another parking stall. So the minute that you encroach your eight feet, a whole row goes.

COMMISSIONER GORDON

Except when you get past that northwest corner of the building. I think there's some room to move the parking southerly by whatever -- what do you need? Eight or ten feet to put in landscaping?

IGNACIO GONZALES

You're right, but at the same time you move it eight feet and this moves eight feet, that's two; that's three; four, five stalls

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right there, just on this portion here.

CHAIRMAN BUCKLEY

I think we're --

VICE CHAIRMAN GALATI

What -- what kind of landscaping planter is provided? What is there? That parking lot's all in, right?

LARRY LaPENTA

We have landscaping completely --

VICE CHAIRMAN GALATI

It's not in?

LARRY LaPENTA

-- around this property.

ATTORNEY JOHN MORAN, JR.

67 spaces is in. With this we're putting in a total of 112 spaces.

VICE CHAIRMAN GALATI

Can you point out on the map which is the area that you're putting in now versus what's existing?

LARRY LaPENTA

Well, this area -- this property here is landscaped on the east facing Thom Boulevard with 15 and 20 foot Italian cypresses and other evergreens. This is all oleanders all the way back here, a windbreak, 15/20 feet high. It's been out there for all this past thirty years and along the south we have trees planted all the way around this property, trees and shrubs, rose bushes, butterfly bushes. I own a nursery and I love landscaping and vegetation and it's going to be well landscaped. You can be assured of that and it already is well started but giving up more footage our landscaping is about two to three feet wide here, two and a half feet wide and they're fifteen feet long on Thom, except for the driveways.

ATTORNEY JOHN MORAN, JR.

And we told the lady who lives over here that we spoke with at length that we would add more landscaping on the front which we intend on doing to fulfill our promise to them. Like I said and like Mr. LaPenta has said, this is all existing landscaping. Does it make much sense to tear out existing landscaping and, and dispose of that and put in other landscaping in what we're trying to maintain as a rustic type of an appearance, that everybody is fine. I know there's -- the homeowners' association was fine with the plan and, you know, I think these are the 800 and something people they represent in the area obviously don't have a problem with it.

LARRY LaPENTA

So --

ATTORNEY JOHN MORAN, JR.

And they're people that live by and frequent this place so they're satisfied with the landscaping.

LARRY LaPENTA

I've got landscaping based on thirty-five years of being there

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so that's difficult now to comply with your exact dimensions, very difficult, but we're well landscaped.

COMMISSIONER GORDON

Mr. Chair.

LARRY LaPENTA

And around the building itself the new addition now, we'll put landscaping around the building itself.

CHAIRMAN BUCKLEY

Commissioner Gordon?

COMMISSIONER GORDON

Yeah, I think in view of the fact that none of the neighbors or anybody objected to this request and that it is a fairly rural area, I know we land our plane right over it regularly so it's not in that much of a residential area, so in view of that I would like to make a motion to approve of the request for Site Development Plan Review SD-8-99 except to delete Item, I think it was 2, except for the – I'm sorry, 1, except for the box trees.

CHAIRMAN BUCKLEY

I think they agreed to 10-foot.

COMMISSIONER GORDON

Oh, yeah, with the existing, is it 10-feet of landscaping?

ATTORNEY JOHN MORAN, JR.

Yes, sir.

COMMISSIONER GORDON

And I'm just going to move on – and approve of the items that they agreed to and with respect to make the change in Item 3 that the staff recommended and that Item 4 be worked out between the staff and the applicant with respect to if there indeed is a sewer in the street in front that it be connected to the sewer on Thom and that they contribute \$4,000 to the traffic mitigation and No. 6, the Drainage Plan would not be necessary, nor 8 or 15, 16 and 17 be deleted.

CHAIRMAN BUCKLEY

Staff, are you up to speed on that? Any questions?

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

Did you delete the No. 2 as part of that? We weren't quite sure.

CHAIRMAN BUCKLEY

I think Commissioner Gordon that No. 2 should, the staff made a change to No. 2.

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

No, we made a change to No. 1 to agree to the 10 feet. I thought I heard him say that he was also going to delete No. 2 and that's what we weren't clear on.

CHAIRMAN BUCKLEY

No, I don't think so.

ATTORNEY JOHN MORAN, JR.S

We'll, delete 2 is the one that we discussed why we have existing landscaping here in a building why we can't do it. And I understood that that was going to be deleted.

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ROBERT GENZER, PLANNING AND DEVELOPMENT DEPARTMENT. That's what I heard also.

CHAIRMAN BUCKLEY Okay.

COMMISSIONER GORDON **Yeah, delete No. 2 except for the box trees.**

CHAIRMAN BUCKLEY Okay.

ROBERT GENZER, PLANNING AND DEVELOPMENT So, you're asking for box trees along the north and the south, in other words, but without the 8-foot planter?

ATTORNEY JOHN MORAN, JR. Just for purposes, Commissioner Gordon, for purposes of clarity, we're going to beef up along Thom the landscaping. Everything else we're hoping will remain the same. Mike?

CHAIRMAN BUCKLEY I wonder if Item 9 covers – would cover this?

COMMISSIONER GORDON Yes, we're deleting No. 2 and No. 1 is a 10-foot landscape plus the box trees as per the staff recommendation.

ATTORNEY JOHN MORAN, JR. Okay.

CHAIRMAN BUCKLEY Are the staff – is the staff clear on all of the motion?

CHERI EDELMAN, PUBLIC WORKS Yes, I just have one comment. On Condition No. 6, I believe anything over two acres requires a Drainage Study. I believe that's in the Title 18 Subdivision Code and if that's the case I would like to go ahead and keep that condition in and make it subject to if required by the Code.

VICE CHAIRMAN GALATI Is – Would that be on an addition as well; I mean, I understand it is on new construction, but --

CHERI EDELMAN, PUBLIC WORKS I believe so, but ---

ATTORNEY JOHN MORAN, JR. No, it isn't. I don't believe that is correct. If this is a remodel, that – that part doesn't apply.

DEPUTY CITY ATTORNEY GEORGE Yeah, Mr. Chairman, we could probably satisfy that condition pretty simply by just stating the terms that 'as required by the Las Vegas Municipal Code.'

CHAIRMAN BUCKLEY Good. In other words, if the Code requires it you've got to do it anyway, is that what you're saying?

CHERI EDELMAN, PUBLIC WORKS Right.

CHAIRMAN BUCKLEY Mr. Moran, are you clear on the motion?

ATTORNEY JOHN MORAN, JR. I just wanted one last shot here, to make sure. I understand

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that we're going to do a 10-foot on No. 1. We're deleting No. 2. No. 3 is in. No. 4, if there's sewer right out in front that it be a requirement to connect up. We're going to pay \$4,000 for the traffic signal. The Drainage Plan I'm not in agreement with. You know, if – if the law requires it, we'll – we'll comply with the law. I don't believe the law requires it. OK on 7. And 8 is out, which is the sprinkler system is out. No. 9, I believe, yeah, that's out because we've basically have said what our landscaping's going to be. I would believe that 9 should be out. 10 is okay. 11 is in. 12, 13, 14 is in. 15, 16 and 17 is deleted. That's my understanding of the motion.

ROBERT GENZER, PLANNING AND
DEVELOPMENT DEPARTMENT

And question. Since Mr. Moran volunteered it, we would request that you add a specific condition so that we don't have to argue about this later, that a wood fence or some type of fence be constructed along the south property line.

ATTORNEY JOHN MORAN, JR.

And that would be fine with us. That's part of our agreement with the adjacent land owner.

CHERI EDELMAN, PUBLIC WORKS

I'd like some clarification on Condition No. 4 and that is if the sewer's in front of the property --

COMMISSIONER GORDON

That's real close.

CHAIRMAN BUCKLEY

What does real close mean?

COMMISSIONER GORDON

Now what I said is if there is indeed a sewer on Thom in front of the property that they be required to hook into that sewer.

CHERI EDELMAN, PUBLIC WORKS

Okay, I guess I'm questioning how close is in front. I mean, immediately in front or 100 feet from the front?

ATTORNEY JOHN MORAN, JR.

Well, one thing to keep in mind, too, is that the residents out there, if he -- if a sewer comes down here he's not the only one that's going to be forced to tie on. And you're going to have about 800 and something rural people out in this area who have septic tanks that are not going to be very pleased about now being forced by the City of Las Vegas to tie into a sewer line.

CHAIRMAN BUCKLEY

I think the motion was clear in front, as I understand it, means in front.

DOUG POWELL, PLANNING AND
DEVELOPMENT DEPARTMENT

I would say running along the property line? The front of the property line?

CHAIRMAN BUCKLEY

Right.

CHERI EDELMAN, PUBLIC WORKS

Okay, thank you.

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ROBERT GENZER, PLANNING AND DEVELOPMENT DEPARTMENT Can I add one other thing for the record? Just so that the applicant is aware, with the deletion of Condition No. 17, since that speaks to ADA requirements, they need to understand that when they come in for a building permit all appropriate ADA requirements are going to be imposed, whether there's a condition to that effect or not.

CHAIRMAN BUCKLEY That's the law and I'm sure the architect understands that.

ROBERT GENZER, PLANNING AND DEVELOPMENT DEPARTMENT That's right.

ATTORNEY JOHN MORAN, JR. We have a lot of handicapped people that come to this location and we take good care of them. And we're going to keep doing it whether it's imposed or not.

CHAIRMAN BUCKLEY Any other questions on the motion?

VICE CHAIRMAN GALATI I have one other question. Commissioner. Condition No. 8, you don't have any sprinklers on the existing landscaping?

ATTORNEY JOHN MORAN, JR. Yes, there are – there is a sprinkler system that's been out there.

VICE CHAIRMAN GALATI Then why – why do you want to have Condition No. 8 deleted.

ATTORNEY JOHN MORAN, JR. We don't want to put permanent underground sprinkler systems provided in that if we don't keep them maintained properly that we're going to have revocation of our business license. That's why.

CHAIRMAN BUCKLEY They're pretty tough on that.

ATTORNEY JOHN MORAN, JR. I've had a lot – I represent a lot of people on revocation of a business license. I still have not yet – this might be the one I have one on where they're trying to revoke his license because his sprinkler system doesn't work.

LARRY LaPENTA You couldn't very well maintain landscaping without sprinklers in Las Vegas.

VICE CHAIRMAN GALATI That's my – that's my point.

LARRY LaPENTA That's a contradiction in itself.

VICE CHAIRMAN GALATI It seems to me that this is a moot point --

LARRY LaPENTA You couldn't maintain your property.

COMMISSIONER GORDON -- and you should just accept the condition. If --

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ATTORNEY JOHN MORAN, JR. Exactly, but I'm not going to accept it if it's going to be a basis for a revocation of a business license.

LARRY LaPENTA That's pretty strong.

CHAIRMAN BUCKLEY The motion is made and if there's no further questions, let's – Commissioners, you need to cast your votes, please. And this is final action, if you'll remember.

VICE CHAIRMAN GALATI He backs in the corner with some of those conditions.

CHAIRMAN BUCKLEY **And that is approved. That is Final Action. (Motion carried with Moran abstaining from voting, Skaar voting "No" and Mack and Quinn excused.)**

ATTORNEY JOHN MORAN, JR. Thank you very much.

DEPUTY CITY ATTORNEY GEORGE And, Mr. Chairman, just for the record that this item may be appealed to the City Council within ten days.

CHAIRMAN BUCKLEY Thank you, Mr. George.

(END OF DISCUSSION)

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